

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 11 May 2011  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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### Membership:

Cllr Peter Colmer  
Cllr Christine Crisp  
Cllr Peter Davis  
Cllr Bill Douglas  
Cllr Peter Doyle

Cllr Alan Hill  
Cllr Peter Hutton  
Cllr Howard Marshall  
Cllr Toby Sturgis  
Cllr Anthony Trotman

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### Substitutes:

Cllr Chuck Berry  
Cllr Paul Darby  
Cllr Mollie Groom

Cllr Simon Killane  
Cllr Mark Packard  
Cllr Bill Roberts

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## Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 20 April 2011. (copy herewith)

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation and Councillors' Questions**

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 in person no later than 5.50pm on the day of the meeting.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 4 May 2011. Please contact the officer named on the first page 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** (*Pages 13 - 14*)

An appeals update report is attached for information.

7. **Planning Applications** (*Pages 15 - 16*)

To consider and determine planning applications in the attached schedule.

7.a **10/01962/FUL & 10/01963/LBC - Burton Hill House, Burton Hill, Malmesbury, SN16 0EL - Conversion of Burton Hill School to Seven Residential Units; Conversion of Outbuilding to Residential (One Unit) & Erection of New Dwelling & Associated Works** (*Pages 17 - 26*)

7.b **11/00312/OUT - 9 Gaston Lane, Sherston, SN16 0LY - New Dwelling & Garage** (*Pages 27 - 38*)

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**

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

None

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## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 20 APRIL 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas, Cllr Peter Doyle, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Howard Marshall, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Jacqueline Lay, Cllr Carole Soden and Cllr John Thomson.

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#### **33. Apologies for Absence**

There were no apologies for absence.

#### **34. Minutes**

##### **Resolved:**

**To confirm and sign the Minutes of the meeting held on 30 March 2011.**

#### **35. Declarations of Interest**

Cllr Peter Colmer declared a personal interest in Minute No 39 (a) – Application No 10/03993/FUL – Roundhouse Farm Outbuildings, Marston Meysey, SN6 6LL – Change of Use to Storage and Distribution, because:-

- (i) he represented Wiltshire Council on the Cotswold Water Park Joint Committee, and
- (ii) he chaired meetings of the Roundhouse Farm Liaison Group.

He stated that he would take part in the debate on this application and vote.

#### **36. Chairman's Announcements**

There were no Chairman's announcements.

37. **Public Participation and Councillors' Questions**

Members of the public addressed the Committee as set out in Minute No 39 below.

There were no questions received from members of the public or members of the Council.

38. **Planning Appeals**

The Committee received and noted a report setting out details of:-

- (i) Forthcoming hearings and public inquiries between 6 April and 31 July 2011.
- (ii) Planning appeals received between 17 March and 6 April 2011.
- (iii) Planning appeals decided between 17 March and 6 April 2011.

39. **Planning Applications**

1a **10/03993/FUL - Roundhouse Farm Outbuildings, Marston Meysey, SN6 6LL - Change of Use to Storage and Distribution**

**The following people spoke against the proposal:**

Mrs Tracey Coleman, a local resident  
Mrs Anne Henshaw, representing The Campaign to Protect Rural England (CPRE)  
Mr Anthony Murison, a resident with a local interest  
Cllr Andrew Brand, Chairman of Marston Meysey Parish Meeting

**The following people spoke in favour of the proposal:**

Mr Barry Butchart, agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that the application be granted subject to conditions. She also drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

After discussion,

**Resolved:**

**To refuse planning permission for the following reasons:-**

- 1. The site is in a rural location remote from services and not well served by public transport. The proposal would therefore generate significant additional journeys by private car, contrary to Policies DP5 and DP14 of the adopted Wiltshire and Swindon Structure Plan 2016, Policies C1, C3 and BD6 of the adopted North Wiltshire Local 2011 and supporting guidance contained within PPS7 and PPG13, which seek to reduce the growth in the length and number of motorised journeys.**
- 2. The building subject to this application is in a generally poor condition and not in sympathy with the rural character of this part of the countryside. The continuation and re-use of the building is therefore considered not to respect the local character, distinctiveness and setting of the area contrary to the requirements of Policies C3 and BD6 of the adopted North Wiltshire Local Plan 2011.**
- 3. The proposed use of this building of significant scale is likely to result in the increased use of a substandard access and increase vehicular movements across a public right of way through the site with a resulting prejudicial effect upon highway and pedestrian safety. As such, the proposal is considered to be contrary to the provisions of Policies C3 and BD6 of the adopted North Wiltshire Local Plan 2011.**

**1b 10/04304/FUL - Great Dairy Farm, Sodom Lane, Dauntsey, SN15 4JA - Change of Use to Equestrian for Breeding & Rearing Horses, Provision of Outdoor Menage and Erection of Four Stables & Two Tack Rooms**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that the application be delegated to officers to negotiate the option of approval, following the submission and assessment of additional satisfactory information and amended plans but that if agreement with the applicant could not be reached, then the application be refused.

The Case Officer explained that the application had been deferred from the last meeting in order to obtain highway views on conditions proposed by the Committee. She also drew Members' attention to the late items in which the Highways Officer confirmed that the applicant had shown an improved internal access and parking arrangement and had provided a widened access to allow two vehicles to pass. However, the visibility at the access was still substandard and the Highways Officer did not consider that there were any conditions which could be imposed which could adequately address the highway concerns. The Case Officer pointed out that these highway comments were based on the application for four stables. However, the applicant had since agreed to a reduction in the scale of the proposals with a reduced scheme of two stables and one tack room, thus providing accommodation for a maximum of two horses.

After discussion,

**Resolved:**

**To delegate the Area Development Manager to negotiate the option of approval, following the submission and assessment of additional satisfactory information and amended plans but that if agreement with the applicant could not be reached, then the application be refused.**

**1c 10/03664/FUL - Methuen Park, Bath Road, Chippenham, SN14 0UL - Reconfiguration & Refurbishment of Existing Retail Warehouse to Create Three Retail Warehouse Units together with Improvements to Car Parking, Landscaping & Servicing**

**The following people spoke against the proposal:**

Mr Alan Williams, ING Real Estate  
Mr Rob Perks, President of Chippenham Chamber of Commerce  
Mr John Clark, Chairman of Chippenham Vision Board  
Cllr Doris Lendon, representing Chippenham Without Parish Council

**The following person spoke in favour of the proposal:**

Mr Craig Blatchford, the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that the application be granted subject to conditions. She also drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of



the public as detailed above, expressing their views regarding the planning application.

**Resolved:**

To defer consideration of the application to enable officer consideration of the recent retail decisions at Peterborough and Gateshead referred to in the additional information and to report back to the Committee.

1d **10/01968/FUL & 10/01969/LBC - The Old Vicarage, Church Walk, Ashton Keynes, SN6 6PB - External Alterations and Extensions to the House**

**The following person spoke in favour of the proposal:**

Mr Mike Narbett, the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the applications. She introduced the report which recommended that the applications be refused.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding the planning application.

Members heard the views of Cllr Carole Soden, the local member, in support of the applications.

After discussion,

**Resolved:**

**To delegate the Area Development Manager to issue:-**

- (1) **Planning permission, subject to suitable conditions.**

**REASON**

**The proposed works will not lead to substantial or disproportionate harm to the significance of this heritage asset and will thereby preserve the historic interest of the listed**

building to the public benefit in accordance with PPS5 and Policies C3 and HE4 of the adopted North Wiltshire Local Plan 2011.

(2) Listed building consent, subject to suitable conditions.

**REASON**

The proposed works will not lead to substantial or disproportionate harm to the significance of this heritage asset and will thereby preserve the historic interest of the listed building to the public benefit in accordance with PPS5 and Policies C3 and HE4 of the adopted North Wiltshire Local Plan 2011.

1e **10/04414/FUL - 55 Pavenhill, Dogeridge, Purton, SN5 4BZ - Redevelopment involving Demolition of Existing Dwellinghouse and Erection of 7 Dwellinghouses & Associated Works**

**The following person spoke in favour of the proposal:**

Mr Gary Llewellyn, the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that the application be delegated to the Area Development Manager for planning permission to be granted, subject to all parties entering into a legal agreement under Section 106 of the Town & Country Planning Act 1990 and subject to conditions. She also drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding the planning application.

Members heard the views of Cllr Jacqueline Lay, the local member, who explained her objections to the proposal.

After discussion,

**Resolved:**

**Subject to all parties entering into a legal agreement under Section 106**

of The Town & Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space, as required by Policy CF3 of the adopted North Wiltshire Local Plan 2011, to grant planning permission for the following reason:

Subject to the imposition of appropriate planning conditions, the proposed development of seven new dwellings on this site is considered to be acceptable in terms of its scale, layout, appearance and means of access in the context of the surrounding locality. In addition, the proposal is not considered to result in an unacceptable impact upon residential amenity of surrounding occupiers. In this way the proposed development is considered to comply with the provisions of policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 and guidance contained within PPS3 Housing.

Subject to the following conditions:

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 implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

#### **Plans**

Site location plan – dated 26<sup>th</sup> November 2010  
Site layout (55/PD/001A) – dated 4<sup>th</sup> February 2011  
Site layout existing (55/PD/010) – dated 26<sup>th</sup> November 2010  
Landscape proposals (PN/LP/070) - dated 4<sup>th</sup> February 2011  
Visibility splay drawing (55/PD/012) – dated 26<sup>th</sup> November 2010  
Street scenes (55/PD/009A) – dated 4<sup>th</sup> February 2011  
Site sections (55/PD/008A) – dated 4<sup>th</sup> February 2011  
Plots 1 & 2 plans and elevations (55/PD/002A) - dated 4<sup>th</sup> February 2011  
Plots 3 plans and elevations (55/PD/003A) - dated 4<sup>th</sup> February 2011  
Plots 4 & 5 plans and elevations (55/PD/004A) - dated 4<sup>th</sup> February 2011  
Plot 6 plans and elevations (55/PD/005A) - dated 4<sup>th</sup> February 2011  
Plot 7 plans and elevations (55/PD/006A) - dated 4<sup>th</sup> February 2011  
Garage plans and elevations (55/PD/007) – dated 26<sup>th</sup> November 2010

**REASON:** To ensure that the development is implemented as approved.

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

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**4.** No part of the development hereby permitted shall be first brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

**5.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations

**6.** Before the development hereby permitted is first occupied all windows shown as such on the approved plans, shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

**REASON:** In the interests of residential amenity and privacy.

**7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.**

**REASON:** To safeguard the amenities and character of the area and in the interest of highway safety.

**8. Unless otherwise agreed in writing with the Local Planning Authority prior to its construction, the proposed rebuilt and repositioned retaining wall to the frontage of the site with Pavenhill shall be constructed using the stone reclaimed from the existing wall.**

**REASON:** In the interests of securing a boundary treatment that respects the existing character of the locality.

**9. All development shall be carried out in full accordance with the recommendations in Section 4 of the approved Biodiversity Supporting Statement (John's Associates, 2011), unless otherwise agreed in writing by the Local Planning Authority. In the event that protected species are discovered onsite during the development, all works shall be suspended until such time as an appropriately qualified ecologist has advised how to proceed.**

**REASON:** In the interests of securing development that takes account of the ecological value of the site.

**10. No development shall commence within the area indicated until:**

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON:** To enable the recording of any matters of archaeological interest.

1f **11/00515/FUL - Brook Hill House, Brook Hill, Sherston, Malmesbury, SN16 0NQ - Two Storey Extension with Basement & Single Storey Rear Extension**

**The following people spoke in favour of the proposal:**

Miss Jaquiline Pembroke, the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that the application be refused. She also drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from a member of the public as detailed above, expressing her views regarding the planning application.

Members heard the views of Cllr John Thomson, the local member, who supported the application.

After discussion,

**Resolved:**

**To grant planning permission for the following reason:**

**The proposed development by reason of its scale, design and siting is considered to be in keeping with the host dwelling and would preserve the character and appearance of the Sherston Conservation Area in accordance with Policies cC3 and H8 of the adopted North Wiltshire Local Plan 2011.**

**Subject to the following conditions:**

- 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 used in the existing building.**

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

**POLICY:** C3 & H8

3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

**Plans:** 1042/1, 2 Rev A, 3 dated 8/2/11

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**REASON:** To ensure that the development is implemented as approved.

40. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.00 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line (01225) 713035, e-mail [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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**Wiltshire Council – Area North  
Planning Committee  
11<sup>th</sup> May 2011**

Forthcoming Hearings and Public Inquiries between 26/04/2011 and 31/07/2011

<b>Application No</b>	<b>Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>Appeal Type</b>	<b>Date</b>
09/01315/CLE	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	26/04/2011
10/03915/S73A	Bridge Paddocks, Braydon Road, Leigh, Wiltshire, SN6 6RQ	Leigh/Purton	Removal of Condition 1 of Planning Permission 10/00794/FUL to Permanent Stationing of Caravans for One Gypsy Pitch.	Informal Hearing	06/07/2011

There have been no Planning Appeals Received between 20/04/2011 and 26/04/2011

There have been no Planning Appeals Decided between 20/04/2011 and 26/04/2011

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# Agenda Item 7

## INDEX OF APPLICATIONS ON 11/05/2011

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
7a	10/01962/FUL  10/01963/LBC	Burton Hill House, Burton Hill, Malmesbury, Wiltshire, SN16 0EL	Conversion of Burton Hill School to Seven Residential Units; Conversion of Outbuilding to Residential (One Unit) and Erection of New Dwelling & Associated Works  Internal & External Alterations to Main House, Curtilage Buildings and Grounds Associated with Conversion of Former School to Private Residential Units	Refusal  Refusal
7b	11/00312/OUT	9 Gaston Lane, Sherston, Malmesbury, Wiltshire, SN16 0LY	New Dwelling & Garage	Delegated to Area Team Leader

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>11 May 2011</b>		
<b>Application Number</b>	<b>10/01962/FUL and 10/01963/LBC</b>		
<b>Site Address</b>	<b>Burton Hill House, Burton Hill, Malmesbury</b>		
<b>Proposal</b>	<b>Conversion of Burton Hill School to seven residential units; conversion of outbuilding to residential (one unit) and erection of new dwelling and associated works</b>		
<b>Applicant</b>	<b>Tansette Limited</b>		
<b>Town/Parish Council</b>	<b>St Paul Malmesbury Without</b>		
<b>Electoral Division</b>	<b>Sherston</b>	<b>Unitary Member</b>	<b>Councillor John Thomson</b>
<b>Grid Ref</b>	<b>393362 186421</b>		
<b>Type of application</b>	<b>FULL and LISTED BUILDING CONSENT</b>		
<b>Case Officer</b>	<b>Tracy Smith</b>	<b>01249 706 642</b>	<b>tracy.smith@wiltshire.gov.uk</b>

### **Reason for the application being considered by Committee**

This application was deferred from the meeting of the Northern Area Planning Committee on 15 December 2010 to allow the submission of outstanding information including: condition and structural survey; fire and sound protection details (vertical and horizontal); ecological studies and further negotiation on the legal agreement to secure contributions to affordable housing, education and public open space and potentially an ecological and landscape management plan for the site.

A conditions survey was submitted on 18 February 2011 together with a Great Crested Newt and revised bat survey, amended plans and confirmation of agreed education contribution of £42,983k.

### **1. Purpose of Report**

The purpose of this report is to consider an application which has been the subject of pre-application discussions and negotiations during its submission. Notwithstanding the conditions survey received mid March 2011, there remains areas of disagreement in terms of the need for further information and the fact that this was only able to be provided to the applicant early April.

S106 contributions have been agreed and ecological concerns have been addressed subject to conditions.

Accordingly, on the basis of the information before officers and at the request of the agent that the application be brought back to committee without further delay, it is recommended that planning permission and listed building consent be REFUSED.

St Paul Malmesbury Without Parish Council "believe there are a number of important issues which have to be satisfactorily addressed before we can wholeheartedly support this application."

Two letters of objection have been received along with a petition of 46 signatures.

3 letters of support have been received.

1 letter has been received questioning the officer recommendation in light of the support of the Parish Council/Civic Trust and Localism Bill.

## **2. Main Issues**

The application seeks approval for the conversion of this Grade II Listed Building to 7 apartments and the conversion of an outbuilding to a residential unit and the erection of a new dwelling within the grounds of the site. The key issues for consideration are:

- Implications on DC Core Policy C1, C2, C3, NE9, NE14, H3 and HE4
- Principle of development
- The impact on the fabric of the Listed Building
- The effect on the setting and appearance of the Listed Building
- Impact on the character and appearance of the area
- Impact on highways
- Ecological implications
- Provision of affordable housing, education and open space contributions

## **3. Site Description**

The site is located to the south east of Malmesbury, off the A429.

Burton Hill House is a replacement house built in 1846 to replicate the destroyed 1842 property which was an imposing Victorian building, comprising striking gables with crenellated two storey bay windows, decorative chimneys and mullioned windows. It has experienced considerable alteration over the 164 years, associated with its residential use as a private home (evidenced by the historic service wings) together with extensions and alterations to facilitate its use as a school, including a 'modern' extension on the northwest corner.

Burton Hill House formed part of the former Burton Hill School, a school providing specialist education and facilities for handicapped and disabled children. The School was established in 1945 but closed in 2007 due to a fall in the roll of pupils attending. The site has been vacant since that time.

The southern elevation is the most distinctive and striking, and contains the original formal rooms at ground and first floor level. Many of these rooms maintain their original historic configuration and proportions, with some of the original fixtures and fittings surviving. Particularly significant is the ballroom and panelled drawing room, and an open well staircase all of which remain unaltered despite the school use of the building and are specifically mentioned in the listing description of the building. Rooms on the first floor contain period features such as fireplaces, joinery and plasterwork.

There is an unsympathetic flat roofed modern extension which wraps around the north western corner of the principal listed building and was clearly erected in conjunction with its use as a school. The main entrance is rather obscured by a covered entranceway.

The House was listed by English Heritage in 2007 and categorised as Grade II. Whilst the listing description refers to the principal building it does confer protection on the other buildings and structures within the grounds of the listed building at the time of the listing.

There are a number of outbuildings which have been constructed around the principal house, some of which are contemporaneous with the use of the house as a private residence in the 1840s onwards, and some clearly associated with the use of the property as a school. All the buildings represent the evolution of the site and would be considered curtilage listed: however, some have considerably more architectural and historic significance than others.

Of historic interest and architectural merit are the Coach House and the Barn, which date back to the use of the house as a private residence. The Barn is privately let and the Coach House has been converted and used as residential accommodation, albeit in need of some refurbishment.

The Lodge (fronting onto the A429) has also been used as a self-contained house and privately let for some years.

The Chapel was used in conjunction with the school and the Swimming Pool (with its asbestos cladding) forms part of an extension to the principal building to provide an essential facility for therapy at the School.

The most modern buildings are within the former school site but outside of the application site and these are The Principal's House and Polly Viner House. The Principal's House was constructed in association with the establishment of the School but since the closure of the School has been privately let. It is a detached dwelling in its own landscaped gardens. Polly Viner School was clearly built in the latter part of the 20<sup>th</sup> century and is a purpose built single storey dormitory.

The properties are set within landscaped grounds, with the formal gardens to the main house laid out to the south together with an ornamental lake and woodland. There is a Camping Field to the west of the House and mature trees throughout the site.

The principal vehicular access is from the A429 adjacent to The Lodge, and leads into a large area of car parking. A secondary access is from Arches Lane, adjacent to the Camping Field.

The core area of the Burton Hill School site is within the settlement limits of Burton Hill.

The site lies within Flood Zone 1 and there are a number of Tree Preservation Orders on the site.

#### **4. Relevant Planning History**

There is no history which is considered to be of direct relevance to this specific proposal. The building has been the subject of numerous extensions and adaptations over its lifetime with new build within its grounds, all approved and undertaken prior to Listed. The most notably harmful extension being a 1960's two storey flat roof extension on the rear (west) elevation of the building.

#### **5. Proposal**

The proposal involves the conversion of the main building to seven residential apartments, the conversion of an outbuilding to a dwelling and the creation of an additional dwelling together with associated works. No changes are proposed to the entrance on Arches Lane.

##### **Main building (Units 1-7)**

The main building is to be converted into seven residential properties. These will vary in size between 3 and 5 bed and span over several floors.

A detailed schedule of works has been prepared in respect of each unit. The existing 1960's extension will be removed as part of the conversion scheme together with the removal of the swimming pool extension and replacement extension to unit 5.

##### **Conversion of Outbuilding (Unit 8)**

This comprises a single storey former stable building in a poor state of repair immediately to the east of the modern Polly Viner House. The conditions survey has confirmed this and a rebuild is effectively proposed. The dwelling would be constructed of natural stone and slate with cast iron rainwater goods.

## New dwelling (Unit 9)

The new single storey three bedroom detached dwelling would be located in the existing courtyard to the side of the main building abutting the existing boundary wall. The proposed dwelling would be constructed of natural materials and use cast iron rainwater goods.

## Associated works

These are not listed per se in the supporting information but in the main comprise:

- The erection of a double garage/storey block immediately to the east (between the building and the road) of the building (for unit 1)
- The erection of a block of two triple garages and bin store for units 4 and 6
- Erection of a double garage/store block to serve unit 3 to the north of that units
- Creation of a new vehicular access from the south (using the existing access off the A429 which also accesses the existing fishing ponds) to serve unit 1 and its new garage/store

The grounds to the south of the main house and west of newly created Unit 3 are to be divided up between units 1-3 with a communal area proposed to the south west of the main building some 75 metres distance with the access originating from the rear of unit 3.

## **6. Consultations**

St Paul Malmesbury Without Parish Council – welcome the application and feel it will renovate this fine listed building and maintain its appearance and fabric for the future and are content with this aspect of the proposals. However, there are other matters which are a cause for concern:

- Highways impact and safety with speed limits on the A429 with regular breaches of the 40mph speed limit. A Community Speed Watch scheme should be requested. A 30mph speed limit should be moved further south.
- Impact on existing infrastructure – i.e. lack of school places and local employment opportunities
- Sustainability implications due to out commuting for employment
- Lack of parking in the town
- Impact of additional traffic onto Arches Lane
- Strict conditions needed in respect of deliveries to the site with the main entrance to be used only and not via Arches Lane.

Malmesbury Town Council – raise no objections

Highways Officer – no objections. Regard has been had to the existing established use and existing accesses.

There are no proposals at present to change to speed limit. Any changes to the speed limit would need to be the subject of consultation and may result in existing accesses being substandard and detrimental to highway safety also.

Conservation Officer – detailed comments are available on the file but the conclusion to the objection is:

*In summary, despite the lengthy pre-application discussions and requests for information and amendments once the applications had been submitted, the proposed scheme lacks vital information and shows a generally unsympathetic approach to the change of use of this building. The proposed work will result in extremely harmful alterations to this listed building and the permanent loss of historic floor plans and landscape. This will be detrimental to the character, appearance and setting of the listed building, its curtilage and the amenity of the area.*

Following the receipt of the conditions survey the following aspects remain a concern:



1. Confirmation of where the fireplace should be for the redundant stack in photo 89?
2. Foam treatment would not be supported by the LPA and we would ask that it is removed.
3. Detail of any window repairs need to be agreed with the LPA.
4. There may be other areas apart from 33/32A where fireplaces and/or architectural details are hidden.
5. Detailed needed of areas of damp on the ground floor? These need to be checked by the conservation officer and there may be other ways of dealing with the problem rather than a damp proofing works. Details needed.
6. What will be used for insulation? Details needed and method of installation.
7. Details needed in respect of which pipes and radiators will be replaced together with details of the replacements and where. Some areas of the building don't have heating so new service runs are required. Details needed as could affect the fabric of the listed building.
8. Unit 8 is a rebuild not a conversion due to its structural condition
9. "Removal of staircase in unit 7 not acceptable would cause irrevocable harm to the fabric of the Coach House.
10. There may be other work required once opening up commences. It is imperative that the contractors used – should consent be granted – stop work immediately anything new is found and contact the conservation officer to discuss works. It is not fine to get approval from building control and omit the conservation officer.

Recent email communications from the applicant at the time of preparing this report and in response to the above and other issues raised by the Conservation Officer are further cause for concerns since the extent of the repairs being suggested and proposed are not covered by this application. The benefit of highlighting these thoroughly is not also to ensure no criminal damage occurs to the building but that the applicant can secure VAT free building materials to undertake such works.

Principal Ecologist – previous concerns have been overcome with the addition survey information provided, condition proposed subject to amended plan compliant with the mitigation statement.

Landscape Officer – details comments on file addresses concerns regarding the accuracy of some plans 155 Rev A, and 153. Further detail needed regarding how root protection has been clarified.

The proposals will result in the loss of 3 Yew Trees and siting of garages could lead to damage in future and pressure to remove further trees.

Conditions needed re tree maintenance and location of any new service trenches to avoid root damage together with tree protection.

County Archaeologist – no objections.

Education Officer – contributions required.

Open Space Officer – open space provision sought with some off-site contributions to play space also.

Wessex Water – no objections subject to conditions/informative.

Environment Agency – on going discussions have taken place in respect of the need for a Flood Risk Assessment given the size of the site in Flood Zone 1. The EA require plans of existing and proposed drainage and the extent of the application site within Flood Zone 3 also.

Highways Agency – no objection.

## **7. Publicity**

The application was advertised by site notices, press advert and neighbour consultation.

3 letters of objection have been received together with a letter and associated petition (46 signatures) on the following grounds:

- Highways impact
- Highway and pedestrian safety due to intensification of activity in this location
- Increased use of Arches Lane
- Changes to speed limits needed
- Light pollution
- Lack of education facilities

3 letters of support have been received.

Malmesbury and St Paul Without Residents Association – supports the structural aspects of the proposal but have reservations about the current level of resources and services in Malmesbury to satisfy the development – these being in respect of education and highways impact on the A429. Arches Lane should not be used for construction traffic.

Malmesbury Civic Trust – support this well thought out, sensitive and appropriate development.

Malmesbury and District Conservation Group – support the conversion proposals but express concerns in respect of the speed limit outside the site.

## **8. Planning Considerations**

### **Principle of development**

PPS5 'Planning for the Historic Environment' 2010 sets out the national planning policies on the conservation of the historic environment. It acknowledges that whilst heritage assets are a non-renewable resource, "intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term."

Heritage assets are sought to be put to appropriate and viable uses consistent with their conservation and decisions are based upon the nature, extent and level of the significance of the asset and proportionate to its importance.

The conversion of this building and the redevelopment of the site are supported in principle by officers and this is acknowledged in the development brief for the site which was prepared by a local agent with the assistance of officers. The brief outlined that the building may be capable of conversion to 7 units but caveated this figure with the fact that the Council would have regard to the impact of such a development on the architectural integrity of the listed building.

Such a conversion/redevelopment must be undertaken in a manner which is sympathetic to the fabric of the Listed Building as well as its character and setting.

The main built form of the site lies within the framework boundary.

As mentioned above, the applicant is not willing to delay the application any further seeking to address the concerns/comments of the Conservation Officer. The outstanding information has reduced since the last meeting and is as follows:

- Amended plan to reflect mitigation statement
- Flood Risk Assessment and associated documents as required by the Environment Agency;
- Clarification re garages and TPO, root protection implications.

### Impact on the fabric of the Listed Building

It would be remiss not to acknowledge and support the proposals for the conversion of this building in so far as it will reintroduce a use to the building which will seek to ensure its longevity to its benefit. Specific support is given to the removal of the 1960's flat roof extension and the retention of original features and significant internal spaces within the building where possible.

However, the removal of this floorspace should not then become a simple mathematical exercise in terms of how this floorspace can be accommodated elsewhere on the site to the detriment of the Listed Building.

Any support for the proposals is significantly outweighed by the impact of many other numerous alterations being made to the building in an attempt to accommodate the nature of this development. Such changes include the insertion of partition walls to create unnecessary numbers of en-suites, cupboards etc and the removal of staircases.

The conditions survey has assisted to some extent but is still silent on some details which are needed now rather than by condition and clarify harm to the fabric in terms of the Coach House and the whole rebuild of unit 8 rather than conversion. Further information provided suggests that a comprehensive list of works to this building have not be fully identified and included within the scope of this application. Such an approach would ensure that any works to the building are lawful and could assist the applicant in obtaining materials etc VAT free.

Accordingly, the proposal remains contrary to Policies C3 and HE4 of the adopted North Wiltshire Local Plan by reason of the harm to the fabric of the Grade II Listed Building itself.

### Impact on the setting of the Listed Building and the character and appearance of the area

It is accepted that the setting of the Listed Building is improved due to the removal of the 1960's flat roof extension. However, there are aspects of the proposal which cause significant harm to the setting.

The key harm to the setting emanates from the erection of the two garage blocks to the front of the building, the converted dwelling and new dwelling and the new vehicular access.

The main house was always approached from the existing gateway and the area used as the car park the main frontage for the access of horses/coaches and later vehicles. It would have been a prominent entrance which reflected the status of the building within the local context.

The garage block to unit 1 is too close to that unit and causes significant harm to the southern principal elevation having no respect for the character or historical context of the building.

This front space is an important feature to the setting of the Listed Building and it is considered that the introduction of two "faux" stable buildings by reason of their scale, design and siting is wholly harmful to the setting of the Listed Building.

The garages will be seen from above the boundary wall screening existing glimpsed views of the house. Furthermore, it would seem that the siting of these garages would inevitably result in the loss of protected trees along this boundary to the detriment of the site and wider area.

To the north of the main building are currently open spaces which would have previously been associated with the stables, barn and coach house and walled gardens. The loss of these to facilitate a new single storey dwelling and “converted” stable building together with new residential curtilages is considered to be detrimental to the setting of the Listed Building having no regard to its historical context.

Officers have suggested that this space be used by residents as a communal play and garden space given the proposed poorly located space some distance from many of the units and with no overlooking.

The outbuilding could be used for storage purposes and reduce the need for further subdivision of this area to its detriment.

Also proposed is the creation of a new vehicular access into the site from an existing access which also currently serves the fishing ponds. This will result in the removal of a section of wall and upgrading/altering of a footpath and gardens to the main house. This will have consequences for both protected trees and the quality and relationship of these landscaped gardens to the main house. This will alter this historical context of the building.

The proposal therefore fails to accord with Policies C3 and HE4.

#### Impact on highways

No objections are raised from either Highways Officers or the Highways Agency. The previous use as a school and its associated residential use is a material consideration in terms of traffic generation and use of existing accesses onto the main road and Arches Lane. No alterations are proposed in respect of the latter.

#### Impact on ecology

Subject to conditions and plan compliant with the mitigation strategy (under consideration at the time of preparing this report), there will no detrimental impact on protected species.

#### Impact on drainage

In the absence of Flood Risk Assessment or any existing or proposed drainage proposals, it is not possible to ascertain the impact the development would have on drainage in the area.

#### Other considerations

The applicant has agreed contributions with the relevant officers in respect of education, affordable housing and public open space.

Education contribution is £42,983

Public Open Space £19,800

Affordable housing – unit 9 to be affordable together with an off site contribution of £26k.

Notwithstanding the above, in light of the proposed reason for refusal, the absence of any completed legal agreement is a ground for refusal contrary to Policies C2, C3, CF3 and H5 of the adopted North Wiltshire Local Plan 2011. If such an agreement were to be completed post refusal and prior to any appeal, this reason would fall away.

#### Conclusions

Burton Hill School is an important Grade II Listed Building on the edge of Malmesbury. It is a highly visible site with views from the main road and footpaths in the countryside to the west.

Officers entirely support its re-use for a variety of uses including residential where those uses will not detrimentally harm the fabric, character and appearance of the setting of the Listed Building and are willing to work with the applicants to bring forward an acceptable scheme.

The scheme whilst proposing some benefits, also proposes a considerable degree of harm to the Listed Building and trees which cannot be supported. It is accepted that this does pose difficulties in its conversion and the values that this will return to the developer, but that it also requires that the whole site is looked at in the round to enable a thorough detailed consideration of the potential of the site.

## **9. Recommendation**

### **Planning Permission be REFUSED for the following reasons:**

1. The proposed development by reason of its scale, design, nature and siting would detrimentally impact upon the fabric, setting and character and appearance of this Grade II Listed Building contrary to Policies C3 and HE4 of the adopted North Wiltshire Local Plan 2011 and national guidance contained in PPS5.
2. The proposed development would detrimentally impact upon protected trees which in turn will affect the wider implications for the setting of the Listed Building and the character and appearance of the area contrary to Policies C3 and NE14 of the North Wiltshire Local Plan 2011.
3. Insufficient information has been provided to ascertain the potential impact on drainage in the locality contrary to guidance contained in PPS25 "Development and Flood Risk".
4. The proposed development does not make any provisions for securing affordable housing on the site, financial contributions towards education provision in the locality, the provision and maintenance of open space or ecological management on site. The application is therefore contrary to Policies C2, C3, H5, CF3 and NE9 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (August 2007).

### **Listed Building Consent be REFUSED for the following reason:**

1. The proposed development by reason of its scale, design, nature and siting would detrimentally impact upon the fabric, setting and character and appearance of this Grade II Listed Building contrary to Policies C3 and HE4 of the adopted North Wiltshire Local Plan 2011 and national guidance contained in PPS5.



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	11 <sup>th</sup> May 2011		
<b>Application Number</b>	11/00312/OUT		
<b>Site Address</b>	9 Gaston Lane, Sherston, Malmesbury, Wiltshire, SN16 0LY		
<b>Proposal</b>	New dwelling & garage		
<b>Applicant</b>	The Executors of the Estate of Mrs Edna Black c/o Mrs Gina Butler		
<b>Town/Parish Council</b>	Sherston Parish Council		
<b>Electoral Division</b>	Sherston	Unitary Member	Councillor John Thomson
<b>Grid Ref</b>	385729 185981		
<b>Type of application</b>	OUTLINE		
<b>Case Officer</b>	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

### Reason for the application being considered by Committee

Councillor Thomson has submitted a request for the planning application to be considered by the committee to assess the effect on adjoining properties.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager to APPROVE subject to the completion of a legal agreement securing public open space and affordable housing contributions and subject to conditions.

### 2. Report Summary

The main issues in the consideration of this application are the acceptability of:

- The principle of development;
- The design and appearance and impact on the character and appearance of the AONB;
- The impact of the development on the amenity of neighbouring occupiers;
- Impact of the development on trees;
- Parking and highway safety; and
- Provision of public open space and affordable housing.

The application has generated objection from Sherston Parish Council and 12 letters of objection from 5 different properties.

### 3. Site Description

The application relates to a plot of land currently forming the curtilage of No.9 Gaston Lane. No.9 is a detached property set within a roughly triangular shaped plot extending to 0.1 hectares and situated within the Framework Settlement Boundary and an Area of Outstanding Natural Beauty (AONB). To the north are a pair of extended semi-detached cottages, nos. 22 and 24 Gaston Lane.

Open countryside lies to the east with land used for equestrian purposes to the south beyond a public right of way which runs along the southern boundary.

No.9 Gaston Lane benefits from a single detached garage to the west with space in front to park approximately 1 vehicle. This provision would be retained.

#### **4. Relevant Planning History – none relevant.**

#### **5. Proposal**

The applicant seeks outline consent for the erection of a new 4+ bedroom detached dwelling and single detached garage. Consent is sought for access, layout and scale with appearance and landscaping reserved for future consideration / approval. The proposed dwelling would be two storey in height with maximum dimensions of 9.5 metres wide, 7 metres deep and 7.5 metre ridge height with a single storey extension to the north east side measure 4 metres wide by 3.1 metres deep.

The single garage would be 6 metres long and 3 metres wide with maximum dimensions of 2.5 metres to eaves with an overall height of 4 metres.

#### **6. Planning Policy**

##### North Wiltshire Local Plan

C3 – Development Control Policy

NE4 – Areas of Outstanding Natural Beauty

NE14 – Trees and the Control of New Development

T3 – Parking

H3 – Residential Development within Framework Boundaries

H6 – Affordable Housing in Rural Areas

CF3 – Provision of Open Space

##### National Policy

Planning Policy Statement 3: Housing

#### **7. Consultations**

Sherston Parish Council – The application and revised plans were discussed by the full Council, and with contributions from 4 members of the public present. It should be noted that the layout plan presented with the application does not show the extensions to properties 22 and 24 and the external impact of this proposed development is minimised therefore.

It was agreed that the application should be refused for the reasons outlined below:

Access – The path to the south is a public footpath which is accessed through the narrow end part of Gaston Lane. The proposed access to the property is off this narrow lane. Turning and entering the site will be very difficult for a single car, but any property can be expected to have at least two cars. This does not seem to be a 'satisfactory means of access' (policy C3). The end part of the lane, probably right up to the north west end of the present No.9, will have to become a full 'no parking' zone, which will increase the pressure of the main part of Gaston Lane.

There will be a serious safety risk as walkers, neighbours and cars will be forced into very close proximity. The probability of cars reversing from the new property cannot be overlooked.

Design – The proposed house seems far too large for the size of the plot. Unless there are no windows at first floor level or above on all but the south east face of the dwelling, neighbours



privacy will be seriously affected. It is doubtful if this condition can be met with anything other than a bungalow.

Development in garden land – This development is contrary to the latest Planning Policies of the Government.

In addition, this development will do nothing to add to the AONB. It will detract from it.

Public Rights of Way team – No comment.

Environmental Health – No adverse comments.

County Highways – Are prepared to accept the layout indicated and consider that suitable parking, turning and access is indicated. It is not considered that the proposal would generate a significant level of traffic that would create a significant highway issue in Gaston Lane that would withstand a planning appeal. No highway objection is raised subject to standard conditions WD12 (access, turning area and parking space provided before occupation), WD1 (consolidated access), WD17 (visibility specified), WE15 (use of garage) and WG2 (surface water drainage).

Wessex Water – The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. The developer has proposed to dispose of surface water to soakaway. It is advised that the Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. The proposed development is within a Source Protection Zone and any surface water discharge will need to be in line with the Environment Agency's guidelines. It is recommended that the development should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure. The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site.

Environment Agency – comments to follow.

## **8. Publicity**

12 letters of objection have been received in response to the application publicity from 5 properties. The concerns raised are summarised as follows:

- C1 – The proposed development is of low performance as it does not maintain or improve the quality of the natural environment, as the removal of most of the established trees and shrubs in the proposed site and the removal of the natural stone wall will have a large impact on the wild life and the visual aspect;
- C3 – Loss of privacy;
- Loss of natural light;
- C3 – Safe access and parking. The access is very narrow which will require vehicles to manoeuvre to enter and leave the site which will be detrimental to highway and pedestrian safety particularly given its proximity to the garden gate and main access to No.22 Gaston Lane. Would increase parking congestion in the upper park of Gaston Lane;
- Noise and disturbance from manoeuvring on narrow lane in close proximity to neighbouring properties;
- Due to the position of the Yew tree, visibility of vehicles leaving the site will be impaired;
- A fire hydrant is located within the immediate vicinity of access to the site;
- NE4 – Area of Outstanding Natural Beauty. The site will lead to a reduction of green open space which will not conserve or enhance the natural beauty of the landscape or conserve the natural habitat for the existing wild life;
- H3 – Residential Development within Framework Boundaries – The Council is committed to the re-use of urban land not green field land and for all developments to make a

contribution to the quality of life, which it does not. Gardens are now taken out of Brownfield category;

- The orientation of the site is incorrect as it faces north-south;
- The drawing submitted by Wessex Water is incorrect as they show the main foul manhole in the wrong place. There is also a question mark on sufficient falls from the site to the nearest mains connection point. The existing below ground drainage system is of pitch fibre construction and is accordingly considered to be sub-standard. The nearest existing foul water drainage run has not been adopted by the relevant authority. A septic tank or digester will be difficult to fit within the boundary of the site and lorry access, required to periodically empty any tank will be impossible due to access and the existing physical obstructions present;
- Access to surface water drainage, should soakaways not be feasible, will be similarly restricted;
- The small Wessex Water pumping facility would appear inadequate for the increasing demands that are being placed upon it.
- The application refers to 3 existing car parking spaces, it is not understood where these are or where an additional 3 would be accommodated;
- The gables to the rear of the property and the garage appear to extend beyond the established line of development;
- Construction traffic will cause considerable disruption and damage to existing carriageways and services / infrastructure;
- The plans do not show the extension at Nos.22 and 24 Gaston Lane;
- The plans are inaccurate as they state that views from the first floor habitable rooms are all to be south / south east yet three windows are shown on the north elevation, two of which will no doubt be habitable rooms;
- Reducing the wall to a height of 1 metre around the area of the site access will further reduce privacy;
- At less than 500 mm width (the 'scale bar' on the drawing is not to scale and so this can only be an estimate), this is insufficient space for the planting of the 'small trees' referred to in the Design and Access Statement intended to provide screening to No.9;
- The front porch of the property and the 'small trees' referred to in the Design and Access statement have been omitted from the plans. Both will lead to a significant reduction in the space for cars to manoeuvre on the site;
- The narrow width of the lane which is approximately 3.6 to 3.7 metres wide will present difficulties for emptying of any septic tanks and the filling of any oil tank;
- The proximity of the proposed dwelling to nearby houses will make the area very enclosed; and
- The bird life is exceptional.

## **9. Planning Considerations**

### Principle of Development

Policy H3 of the Local Plan states that proposals for residential development, including residential institutions and applications to renew permissions for residential development, within the Framework Boundaries will be permitted provided that a number of criteria are met including: priority is given to the re-use of previously developed land and buildings; and the most efficient use of the land is achieved compatible with the site's location, its accessibility and its surroundings. Planning Policy Statement 3: Housing (PPS3) was amended in June 2010 through a Ministerial Statement to exclude private residential gardens from the definition of previously developed land in Annex B.

The application site would therefore be classified as greenfield land and the priority for development should be previously developed land, in particular vacant and derelict sites and buildings. The Ministerial Statement does not create a policy presumption against development in private residential gardens, but it does, alter the weight to be given to factors to be considered, in particular, development needs to be judged against the prevailing character of an area.

The basic policy set out in PPS3 is unchanged and paragraph 36 states that the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment.

The site is situated within the Settlement Framework Boundary, in a sustainable location and would make efficient use of land.

#### Design and Appearance and impact on AONB

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including, inter alia: respect for the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

Policy NE4 of the Local Plan considers that in Areas of Outstanding Natural Beauty, priority will be given to the conservation and enhancement of the natural beauty of the landscape.

Properties within the surrounding area are a mixture of architectural styles and designs, Nos.22 and 24 Gaston Lane to the north are three storey at the highest point, Lea House and the host property No.9 Gaston Lane to the west are two storey and Glencairn to the north west and Rowans, Kingston and West Haven to the south west are modern bungalows. The scale of the proposed dwelling at two storey with a maximum ridge height of 7.5 metres would be appropriate within this context. A condition is recommended ensuring that the height of the property be limited to 7.5 metres.

The building line along the south east of Gaston Lane facing the public right of way is not uniform although the proposed dwelling would broadly respect the siting of adjacent properties and would be set back approximately 7 metres from this boundary. It is noted that the garage would project further forward but given that this would be limited to single storey it is not considered that this would be harmful to the character or appearance of the surrounding area.

The illustrative details submitted relate to the north elevation only and indicate that the dwelling would be constructed of natural lime render to the main walls with dressed stone details to window surrounds and cills. The single storey element would be oak boarding mounted on a brick plinth. The roof covering would be clay tiles. These materials would be acceptable in this location.

External appearance is reserved for future consideration / approval. There is no reason to believe that satisfactory elevations cannot be devised that would not be detrimental to the character of the area. A condition is recommended requiring the submission of sample materials.

The proposed development would be situated within the Settlement Framework Boundary within a predominantly residential area. It is not therefore considered that the proposed development would have a harmful or detrimental impact on the natural beauty of the Area of Outstanding Natural Beauty.

The scale, massing and layout of the proposed dwelling would be acceptable and in accordance with policies C3 and NE4 of the Local Plan.

#### Amenity

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development.

The submitted illustrative elevational drawing indicates that any bedrooms or living spaces (habitable rooms) at first floor, would only look towards the south, or south east to avoid

overlooking of neighbouring properties. The property would be situated approximately 1.5 metres from the boundary with the host dwelling No.9 Gaston Lane and approximately 10 metres from the garden of No.22 Gaston Lane. A condition is recommended to ensure that no first floor habitable room windows are placed in either the north-west or south west elevations to ensure the privacy of these properties is protected. In the event that the reserved matters application provides details of bathrooms or ensuites in the elevations, conditions could be imposed at that time in respect of obscure glazing.

At its closest point, the proposed development would be situated approximately 8.5 metres from No.22 Gaston Lane at single storey level and 10 metres at two storey level and would be orientated to the south west. No.22 has two dining room windows and a kitchen / dining room window at ground floor in the south elevation facing the application site and a second floor, secondary bedroom window, the primary window being situated in the west elevation. It is noted that No.22 has a single storey rear (east) extension accommodating the kitchen / dining room that is not shown on the submitted plans. The proposed garage would be situated approximately 4.5 metres from the boundary with No.22.

Given the orientation of the application site in relation to No.22 with the proposed development set to the south, the proposed development would result in any overshadowing that would warrant a refusal on these grounds. This is due to the orientation of the property, the single storey element closest to this property, together with the distance from No.22.

With regard to the proposed garage, an existing stone wall forms the boundary at this point with a height of approximately 1.6 metres, furthermore, the proposed garage would be single storey with maximum dimensions of 2.5 metres to eaves level and 4 metres to the ridge with a pitched roof that slopes away from No.22.

The applicant's agent has submitted a plan showing the sun path projections. This indicates that the majority of overshadowing resulting from the proposed development would fall within the application site with the exception of some overshadowing of the retained garden of the host dwelling in the morning.

The proposal would result in the subdivision of an existing plot. The host property No.9 Gaston Lane would retain a garden with a depth and width of approximately 29 x 12 metres respectively and therefore retains sufficient amenity space.

In consideration of the above the proposed development would not be materially detrimental to the amenities of neighbouring occupiers in terms of overlooking or overshadowing.

### Trees

Policy NE14 of the Local Plan states that permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes / ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of the development.

An existing Yew tree is situated along the sites northern boundary to the east of No.9 and the west of the proposed access. This tree is in good condition and is situated in a prominent position, visible from the wider public realm. The plans indicate that this tree would be retained and the roots would be protected by a 'no-dig' driveway construction. The proposed dwelling would be situated approximately 10.5 metres from the base of the tree and no habitable room windows are proposed in the north-west elevation reducing any pressure to fell the tree.

The proposed development has been considered by the Council's tree officer who considers the scheme to be acceptable subject to the imposition of a condition requiring a pre-commencement meeting on site to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development with a report detailing the results and any necessary remedial works.

### Parking and Highway Safety

Policy C3 of the Local Plan requires new development to have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

In December 2010, new minimum car parking standards were introduced. As part of these standards, the Council has taken the view that garages are no longer allocated parking provision, except where there are overriding design considerations. Three car parking spaces are required for a four bedroom property.

County Highways have confirmed that a parking space contained within the garage can be accepted if the minimum internal dimension measures 3 x 6 metres allowing for potential storage, whilst also providing parking.

The proposed garage measures 3 x 6 metres and a further 2 car parking spaces are proposed. The proposal therefore complies with minimum standards. County Highways have confirmed that they would accept reversing and turning on Gaston Lane as the plan demonstrates that there is a minimum of 6 metres behind parked vehicles in order to reverse and turn. Notwithstanding this, plans have been submitted showing the swept path for both car parking spaces, demonstrating that there is adequate manoeuvring space within the site ensuring that vehicles could exit the site in a forward gear. The access would have a width of 7.5 metres and a 3 metre section of the existing wall either side of the proposed access would be reduced in height to 1 metre to provide sufficient visibility.

The scheme has been amended following negotiation and County Highways are now satisfied with the layout and consider that suitable parking, turning and access is indicated. They have further stated that it is not considered that the proposal would generate a significant level of traffic that would create a significant highway issue in Gaston Lane that would withstand a planning appeal.

Concern has been raised from residents in relation to pedestrian safety given that a gate is situated at the eastern end of Gaston Lane providing access to a public footpath and given the proximity of the proposed access to the garden gate and main pedestrian access to No.22. As discussed above, an acceptable visibility splay would be provided and sufficient space is provided within the site to enable cars to enter Gaston Lane in a forward gear. In light of the above, a refusal on the grounds of pedestrian safety could not be substantiated.

County Highways have recommended a condition requiring the first three metres of the access to be consolidated and surfaced. Given the proximity of the Yew Tree to the proposed access this could be detrimental to the tree. It is considered that a satisfactory surface treatment can be provided which would satisfy the requirements of both highways and the tree officer. Landscaping is reserved for future consideration / approval and it is recommended that this be addressed through the landscaping scheme.

The proposed development would not be detrimental to highway safety in accordance with the aims and objectives of policy C3 of the Local Plan.

### Provision of public open space and affordable housing

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly, the Council will accept financial payments to remedy deficiencies in the quantity or quality of that space. The reasoning accompanying the policy emphasises that all residential developments, regardless of scale, have the potential to contribute to an increased need for open space.

For a 4+ bedroom property the level of public open space contribution required would be £7,407.42. This would be directed towards facilities at either Sherston Recreation Ground (Local Park) or Sherston Community Centre (Open Space and Play Area).

Policy H6 of the Local Plan relates to affordable housing in rural areas and states that the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments, within the Framework boundaries of the villages on the basis that about 50% of the dwellings permitted will be subsidised housing with an additional proportion of low cost housing, subject to local need and site characteristics.

The Council's housing team have confirmed that where a single market dwelling is proposed an off-site financial contribution of £26,000 is required. There is an identified housing need within 22 people seeking an affordable home in Sherston.

The applicants have confirmed that they are willing to enter into a Section 106 agreement under the terms outlined above and subject to this, the proposal would be acceptable in this respect.

## **10. Conclusion**

The scale and layout of proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway safety. The Council's Highway Officer has raised no objection to the proposal.

## **11. Recommendation**

DELEGATE to Area Development Manager for APPROVAL subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space and affordable housing, as required by policies CF3 and H6 of the adopted North Wiltshire Local Plan 2011 for the following reason:

The proposed development is considered appropriate in terms of its scale, layout and means of access in the context of the surrounding area. In addition, the proposal is not considered to result in an unacceptable impact upon residential amenity of surrounding occupiers. In this way the proposed development is considered to comply with the provisions of policies C3, NE4, NE14, H3, H6 and CF3 of the adopted North Wiltshire Local Plan 2011 and guidance contained within PPS3 Housing.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The external appearance of the development; and
  - (b) The landscaping of the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 No building on any part of the development hereby permitted shall exceed 7.5 metres in height and the garage shall not exceed 2.5 metres in height to eaves level and 4 metres to ridge level.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 5 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 6 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans, 'Proposed Parking and Access' 1015.02B. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 7 No development shall commence on site until visibility splays have been provided in accordance with the approved plan 'Proposed Parking and Access' 1015.02B with the wall reduced in height to 1 metre for 3 metres either side of the access as demonstrated. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country

Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 9 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 10 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

POLICY- C3

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no habitable room windows, doors or other form of openings shall be inserted in the north west or south west elevations at first floor level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICIES - C3 and NE14 of the North Wiltshire Local Plan 2011.

- 12 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees



to be retained on site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with best practice and policy NE14 of the North Wiltshire Local Plan 2011.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

POLICY – C3

- 14 The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

1015.01C (site layout only)  
10152B - Proposed parking and access  
Site location plan

REASON: To ensure that the development is implemented as approved.

