

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Monkton Park, Chippenham  
**Date:** Wednesday 15 December 2010  
**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 Alan Hill
Cllr Christine Crisp	Cllr Peter Hutton
Cllr Peter Davis	Cllr Howard Marshall
Cllr Bill Douglas	Cllr Toby Sturgis
Cllr Peter Doyle	Cllr Anthony Trotman

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### Substitutes:

Cllr Chuck Berry	Cllr Simon Killane
Cllr Paul Darby	Cllr Mark Packard
Cllr Mollie Groom	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**

To approve and sign as a correct record the minutes of the meeting held on 24 November 2010 (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**

Members of the public who wish to speak either in favour or against an application 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. 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 for Members of Wiltshire Council available on request.

6. **Planning Appeals**

An appeals update report is attached for information.

7. **Planning Applications**

To consider and determine planning applications in the attached schedule.

7.a **10/03739/FUL - Glen House, Hornbury Hill, Minety, SN16 9QH - Demolition of Existing Dwelling & Erection of 8 Dwellings, Vehicular & Pedestrian Access, Parking & Landscaping**

7.b **10/01962/FUL & 10/01963/LBC - Burton Hill House, Malmesbury, SN16 0EL - Conversion of Burton Hill School to 7 Residential Units,**

**Conversion of Outbuilding to Residential (One Unit) & Erection of New Dwelling & Associated Works**

- 7.c **10/03028/OUT - Clouds Farm, Box Hill, Box, SN13 0NT - Erection of Agricultural Workers Dwelling (Outline)**
- 7.d **10/03454/FUL - Grove Farm, Ashton Road, Leigh, SN6 6RF - Erection of Agricultural Workers Dwelling & Garage**
- 7.e **10/03885/FUL & 10/03886/LBC - The Mansells, Upper Minety, Minety, SN16 9PY - Extension to Existing South Elevation to Create Two Storey Bay**

**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 24 NOVEMBER 2010 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Chuck Berry (Reserve), Cllr Peter Colmer, Cllr Peter Davis, Cllr Bill Douglas, Cllr Peter Doyle, Cllr Mollie Groom (Reserve), Cllr Peter Hutton, Cllr Howard Marshall, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Howard Greenman, Cllr Jacqui Lay, Cllr Jemima Milton, Cllr Jane Scott OBE and Cllr Dick Tonge.

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#### **123. Apologies for Absence**

Apologies for absence were received from Cllr Christine Crisp (who was substituted by Cllr Chuck Berry) and Cllr Alan Hill (who was substituted by Cllr Mollie Groom).

#### **124. Minutes**

##### **Resolved:**

**To confirm and sign the Minutes of the meeting held on 3 November 2010 as a correct record.**

#### **125. Declarations of Interest**

Cllr Tony Trotman declared a personal and prejudicial interest in Minute No 129 (f) – Application No 10/03360/FUL, Hill Brook House, Quemerford, Calne, owing to his close family relationship to the applicant, and stated that he would leave the Council Chamber for the duration of the item.

In view of the absence from the meeting of Cllr Alan Hill, the Vice-Chairman, it would be necessary to elect a Chairman for consideration of this application.

126. **Chairman's Announcements**

There were no Chairman's announcements.

127. **Public Participation**

Members of the public addressed the Committee as set out in Minute No. 129 below.

128. **Planning Appeals**

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

- (i) forthcoming hearings and public inquiries between 11 November 2010 and 31 January 2011.
- (ii) planning applications received between 20 October and 11 November 2010.
- (iii) Planning appeals decided between 20 October and 11 November 2010.

129. **Planning Applications**

1a **10/02399/REM - Land at Brynards Hill, Wootton Bassett, SN4 7ER - Erection of 100 Dwellings and Associated Works**

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 approval, and 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 below, expressing his views regarding this planning application.

Mr G Yates, representing Wootton Bassett for Brynard's Hill Interest Group, requested that conditions be strengthened to protect the hedgerow along the eastern boundary of the site.

On hearing from Cllr Peter Doyle, the local Member and after discussion,

**Resolved:**

**To approve the reserved matters for the following reason:**

The scale, design and siting accords with the outline permission granted under 09/00871/OUT and would not result in the detrimental impact on any residential amenities, landscape, ecology, archaeology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

and subject to the following conditions:

1) 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**

2) Prior to the commencement of development a tree and hedgerow protection plan in line with the requirements of BS 5837:2005 'Trees in relation to construction Recommendations 'should be submitted to and approved in writing by the LPA. The approved method and line of protective fencing should be erected around the approved Root Protection/Construction Exclusion areas before any construction operations are commenced on site. The plan should consider likely requirements for temporary access, compounds and storage areas etc.

**REASON:** Necessary for protection of existing retained landscape features during course of construction phases.

**POLICY C3**

3) Prior to the commencement of development a timetable for the implementation of the proposed landscaping hereby approved along the length of the eastern residential development site boundary, extending into the adjacent 'Country Park land' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved timetable.

**REASON:** It is necessary to ensure the landscaping is implemented in a phased manner to reduce the public visual amenity and to safeguard local landscape character and the wider countryside character and town setting for Wootton Bassett.

**4) The landscaping scheme hereby approved shall be implemented in full within the first planting season following completion, or agreed phased completion (the definition of road completion in this instance shall mean completion to a 'finished binder/regulating course' construction) of the main residential access road leading from Binknoll Lane into the Brynard's Hill residential development site. The landscaping scheme along the eastern edge shall be fully implemented prior to first occupation of any dwelling unless otherwise agreed by the Local Planning Authority in the form of an application to vary to this condition.**

**REASON: Necessary for the purpose of separating and screening new development from the proposed Country Park Land and wider countryside. In order to protect the interests of public visual amenity and safeguard local landscape character and the wider countryside character and town setting for Wootton Bassett.**

### **POLICY C3**

**5) Prior to the commencement of development the applicant shall submit a landscape maintenance schedule or management plan to the LPA for written approval. This should include a minimum period of 5 years and include the aftercare and management proposals for existing and proposed landscaping across the development site and shall also include details for the aftercare of the screening vegetation (outside the red line planning application boundary on land within the applicants control) bordering the access road within the Country Park land.**

**REASON: To ensure that the necessary landscape mitigation proposals will establish to a satisfactory standard, and that a mechanism for landscape maintenance including replacement of dead or missing plants is in place for a minimum period of 5 yrs following implementation.**

**6) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:**

- (a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works (plan no less than 1:200);**
- (b) finished levels across the site and contours;**
- (c) hard surfacing materials;**
- (d) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**
- (e) bat boxes and other mitigation details**



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

**POLICY C3 NE15**

**7) 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.

**POLICY- C3 NE15**

**8) No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.**

**REASON:** To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development.

**9) The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.**

**REASON:** To ensure that the development is served by an adequate means of access.

**POLICY C3**

**10) No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.**

**REASON: In the interests of highway safety and the amenity of future occupants.**

**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), 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**

**12) 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 plots 9-13, 42, 51, 52, 54 and 61.**

**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.**

**POLICY-C3**

**13) Notwithstanding the contents of the submitted plans, the hedgerow along the eastern boundary of the site as shown on drawing no. 1566/03G dated 22 November 2010, shall be no less than 8 metres in width and continuous in length outside of the approved footpath linkages to the adjacent Country Park.**

**Reason: In the interests of the visual amenity of the character and appearance of the site and the immediate and wider countryside at**

this location.

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.

#### **WSP Drawings**

31364/PDL/02B Preliminary Drainage Plan Phase 1 dated 29/11/10  
31364/PHL/01D Preliminary Highway Plan dated 29/11/10  
31364/PHL/02D Preliminary Highway Profiles dated 12/11/10

ATR/01 Rev D dated 25/11/10

#### **SBD Drawings**

1566/01C Site Location Plan dated 11/11/10  
1566/02J Site Layout dated 22/11/10  
1566/03G Landscape Layout dated 22/11/10  
1566/04A Street Elevations dated 20/9/10

1b **10/02146/FUL - Land at Stoke Common Lane, Purton Stoke, Swindon - Stables and Arena & Creation of New Access**

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 approval, and drew members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions.

On hearing the views of Cllr Jacqui Lay, the local Member and after discussion,

#### **Resolved:**

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

**The proposed stables, riding arena and access are considered to be acceptable in this location where the built development will be largely screened by existing hedging and the new access, although removing a section of hedge, will not cause sufficient harm to justify a refusal. The application is considered to be in accordance with policies C3,**

**NE15 (NE14) of the 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 stables hereby permitted shall be used only for the private stabling of horses owned by the occupier together with associated storage and for no commercial purpose whatsoever, including livery. The riding arena hereby permitted shall be used only for the exercise of horses owned and ridden by the occupier and kept at the site and for no visiting horses or for any other purpose.**

**REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.**

**POLICY—C3**

- 3. Manure storage and disposal shall be by way of the method described in the applicant's letter dated 28<sup>th</sup> September 2010 and this method shall be permanently maintained thereafter.**

**REASON: In the interests of the amenity of the countryside.**

**POLICY C3**

- 4. There shall be no parking or stationing of horse boxes, trailers, caravans or other vehicles during the hours between dusk and dawn on the site notwithstanding any GPDO 1995 permitted development rights which may apply.**

**REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.**

**POLICY—C3**

- 5. No development shall commence on site until details of finished levels, surfacing materials and any fences and gates have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the**

approved details.

**REASON: In the interests of visual amenity**

**6. 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.**

**Location plan/block plan dated 4<sup>th</sup> November 2010, elevation plan dated 18<sup>th</sup> June 2010, access plan dated 4<sup>th</sup> November 2010, arena plan dated 18<sup>th</sup> June 2010**

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

**7. Prior to the commencement of the development hereby permitted, details of any method of illumination shall be submitted to and approved in writing by the local planning authority. The approved details shall be the only method of lighting use at the site.**

**REASON: In the interests of the amenity of the countryside.**

**INFORMATIVE:**

**It is considered that four stables at this location are the maximum that are permissible having regard to the character and visual amenity of the area.**

**1c 10/03218/FUL - Land at Stoke Common Lane, Purton Stoke, Swindon, SN5 4LJ - Stables and Menage**

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 approval, and drew members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions.

On hearing the views of Cllr Jacqui Lay, the local Member and after discussion,

**Resolved:**

To delegate to the Area Development Manager to clarify the legal position in respect of the storage of the existing caravan on the site in the context of condition 4 of 10/02416FUL and approve subject to amended conditions:

2. The stables hereby permitted shall be used only for the private stabling of horses owned by the occupier together with associated storage and for no commercial purpose whatsoever, including livery. The riding arena hereby permitted shall be used only for the exercise of horses owned and ridden by the occupier and kept at the site and for no visiting horses or for any other purpose.

**REASON:** In the interests of highway safety and/or to protect the living conditions of nearby residents.

**POLICY—C3**

4. There shall be no parking or stationing of horse boxes, trailers, caravans additional to that already on site or other vehicles during the hours between dusk and dawn on the site notwithstanding any GPDO 1995 permitted development rights which may apply.

**REASON:** In order to protect the living conditions of nearby residents and/or the rural character of the area.

5. No development shall commence on site until details of finished levels, surfacing materials, any fences and gates have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity

**POLICY C3**

**INFORMATIVE:**

It is considered that four stables at this location are the maximum that are permissible having regard to the character and visual amenity of the area.

1d **10/02378/FUL - Chippenham Golf Club, Malmesbury Road, Langley Burrell, SN15 5LT - Demolition of Existing Golf Clubhouse; Construction of a Replacement Clubhouse & the Erection of 75 Extra Care Dwellings & 61 Bed Care Home alongside Ancillary Communal Facilities**

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

Mr Glen Godwin, Pegasus Planning Group, representing Avebury Health Care.

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

Mr John Sneddon, the agent.  
Mr Paul Barrett, a member of the Chippenham Golf Club.

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report, which recommended refusal, and 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 this planning application.

On hearing the views of Cllr Howard Greenman, the local Member and Cllr Jemima Milton, the Council's Cabinet Portfolio Holder for Adult Care both supporting the application mainly on account of the serious need for additional residential care facilities and after discussion,

**Resolved:**

**To delegate to the Area Development Manager to grant planning permission subject to conditions following discussions with the applicant to secure amendments to fenestration features on the south west corner block having regard to the adjacent existing care home and completion of a Section 106 agreement or agreed conditions as appropriate in respect of age/disability criteria of occupants, marketing for local occupants, retention in perpetuity as a care home/extra care dwellings facility and an agreed travel plan.**

**REASONS**

**By reason of the sites location immediately adjacent to substantial development on the edge of Chippenham and in acknowledgement of the great need for additional residential care home accommodation in**

the locality, it is considered that the proposed development would not visually harm the northern approach to Chippenham town and therefore be in accordance with the provisions of Policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011

1e **10/03649/FUL - 23 Poole Green, Neston, Corsham, SN13 9SN - Single Storey Extension, Porch & Upper Storey Extension (to convert Bungalow to Two Storey Cottage)**

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

Mr Cosgrave, a local resident.

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

Mr Eric Moore, the applicant.

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report, which recommended approval, and 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 this planning application.

On hearing the views of Cllr Dick Tonge, the local Member and after discussion,

**Resolved:**

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

**The proposed development is considered to be acceptable based on its scale and design which are in keeping with the character and appearance of the property and will not have a significant adverse impact on the amenities of neighbouring residents. The proposal is in accordance with Policies C3 and H8 of the 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. **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 and HE8**

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 47/01; 47/02; 47/03; 47/04 Dated 23/09/10**

**Plans 47/05B; 47/06B; 47/07B; 47/08B; 47/09B Dated; 06/10/10**

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

**1f 10/03360/FUL - Hill Brook House, Quemerford, Calne, SN11 8LF - New dwelling - Amendment to 04/03639/FUL**

- (i) Councillor Tony Trotman declared his personal and prejudicial interest in this item and left the room.

The remaining members were then invited to elect a replacement chair for the item and following nominations and voting it was,

**Resolved:**

**That Cllr Peter Davis should act as Chair for this item.**

- (ii) **The following people spoke against the proposal:**

Mrs Zoe Kelly, a local resident.

Mr Kelly, a local resident.

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

Mr Robert Willis, the applicant.

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report, which recommended refusal, and 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 this planning application.

The Committee then considered the application and it was

**Resolved:**

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

**The proposed development would have an overbearing, oppressive and therefore unacceptable effect upon the living conditions, privacy and general amenity of the adjoining residential property. As such the proposal is considered to be contrary to the provisions of Policies C3 and H8 of the adopted North Wiltshire Local Plan 2011.**

ClIr Tony Trotman thereupon rejoined the Committee and took the Chair.

130. **Date of Next Meeting**

It was reported that the date of the next meeting had been scheduled to take place on Wednesday 15 December 2010.

A Civic Carol Service was being held in Devizes on the same date starting at 7.00pm and in these circumstances the Committee was asked to consider changing the date of its meeting.

**Resolved:**

**To meet on 15 December 2010 as scheduled in view of Members' other commitments.**

131. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00pm to 9.10pm)

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)

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**Wiltshire Council – Area North  
Planning Committee  
15<sup>th</sup> December 2010**

Forthcoming Hearings and Public Inquiries between 02/12/2010 and 28/02/2011

Application No	Location	Parish	Proposal	Appeal Type	Date
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	11/01/2011
09/02062/S73A	NABLES FARM, UPPER SEAGRY, CHIPPENHAM, SN15 5HB	Seagry	Retention of Existing B2 & B8 Uses, Alterations to Access and Proposed Landscaping	Informal Hearing	06/01/2011
10/01657/FUL	Land at Chelwoth Lodge, Cricklade, Swindon, Wiltshire, SN6 6HP	Cricklade	Change of Use of Land to Accommodate 16no. Gypsy and Traveller Pitches and Associated Works.	Public Inquiry	01/02/2011
10/01785/FUL	The Saladin, The Hill, Little Somerford, Wiltshire, SN15 5JP	Little Somerford	Change of Use of Pub to Two Dwellings	Informal Hearing	14/12/2010

Planning Appeals Received between 11/11/2010 and 02/12/2010

Application No	Location	Parish	Proposal	DEL or COM	Appeal Procedure	Officer Recommendation
10/00426/FUL	GLEN AVON, HORNBURY HILL, MINETY, MALMESBURY, SN16 9QH	Minety	Demolition of Existing Dwelling and Erection of 8 No. Dwellings, Vehicular and Pedestrian Access, Parking and Landscaping	DEL	Written Representations	Delegated to Implementation Team Leader
10/02236/ADV	CO-OP/SOMERFIELD FOOD STORE, 1 MARTINGATE, CORSHAM, WILTSHIRE, SN13 0HL	Corsham	Illuminated Signs	DEL	Written Representations	Refusal
10/02306/ADV	144 HIGH STREET, WOOTTON BASSETT, SWINDON, WILTSHIRE, SN4 7AB	Wootton Bassett	Display of One Internally Illuminated Free Standing Double Sided Display Unit	DEL	Written Representations	Refusal
10/02370/FUL	12 BEWLEY LANE, LACOCK, CHIPPENHAM, WILTSHIRE, SN15 2PG	Lacock	Erection of Two Storey Front Extension	DEL	Written Representations	Refusal

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Agenda Item 6

Planning Appeals Decided between 11/11/2010 and 02/12/2010

Application No	Location	Parish	Proposal	DEL or COM	Appeal Decision	Officer Recommendation	Appeal Type
10/01312/FUL	Parkfields & 34 Marshfield Road, Chippenham, Wiltshire, SN15 1LW	Chippenham	Redevelopment for B1 Office Use, including New Office Block, Demolition of Existing Office Accommodation and Associated Works (Minor Amendment to Planning Permission N/09/00711/FUL)	DEL	Allowed with Conditions	Refusal	Written Representations
09/01926/FUL	Common Farm House, Quemerford, Calne, Wilts. SN11 8UB	Calne Without	Conversion of Barn 3 to Single Dwelling (Including Partial Reconstruction) - Retrospective	DEL	Appeal Dismissed	Refusal	Informal Hearing
09/01992/FUL	3 ACRES, CASTLE COMBE ROAD, GRITTLETON, WILTSHIRE, SN14 7LB	Grittleton	Change of Use of Land from Stables, associated Grazing Land and Hardstanding to Greyhound Kennels and Temporary Siting of Touring Caravan to be used in conjunction with Kennels.	DEL	Appeal Dismissed	Refusal	Informal Hearing
09/02224/LBC	2 KINGS WALL, MALMESBURY, WILTSHIRE, SN16 9BJ	Malmesbury	Removal of Existing Outbuildings, Restoration of Rear Elevation, New Single Storey Extension to The Rear of the Property.	DEL	Appeal Dismissed	Refusal	Written Representations
10/00481/FUL	Restrop Farmhouse, Restrop, Purton, Swindon, SN5 4LW	Purton	Two and a Half Storey Side Extension	DEL	Appeal Dismissed	Refusal	Written Representations
10/00485/LBC	Restrop Farmhouse, Restrop, Purton, Swindon, SN5 4LW	Purton	Two and a Half Storey Side Extension	DEL	Appeal Dismissed	Refusal	Written Representations
10/01231/FUL	Wootton Meadows Farm, Marlborough Road, Wootton Bassett, Swindon, SN4 7SA	Wootton Bassett	Erection of Replacement Building for B1 Office Use	DEL	Appeal Dismissed	Refusal	Written Representations
10/01652/FUL	6 Brockleaze, Neston, Corsham, Wiltshire, SN13 9TJ	Corsham	Two Storey Side Extension to Provide Garage and Annex	DEL	Appeal Dismissed	Refusal	Written Representations
09/02254/FUL	Land & Buildings At Peterborough Farm, Dauntsey Lock, Chippenham, Wiltshire SN15 4HD	Dauntsey	Erection of New Dwelling on Footprint of Original Agricultural Buildings	COM M	Appeal Withdrawn	Refusal	Written Representations

# Agenda Item 7

## INDEX OF APPLICATIONS ON 15/12/2010

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
01	10/03739/FUL	Glen Avon, Hornbury Hill, Minety, Wiltshire, SN16 9QH	Demolition of Existing Dwelling & Erection of 8 Dwellings, Vehicular & Pedestrian Access, Parking & Landscaping (Resubmission of 10/00426/FUL).	Delegated to Implementation Team Leader
02	10/01962/FUL	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	Refusal
03	10/01963/LBC	Burton Hill House, Burton Hill, Malmesbury, Wiltshire, SN16 0EL	Internal & External Alterations to Main House, Curtilage Buildings and Grounds Associated with Conversion of Former School to Private Residential Units	Refusal
04	10/03028/OUT	Clouds Farm, Box Hill, Box, Corsham, Wiltshire, SN13 0NT	Erection of Agricultural Workers Dwelling (Outline)	Permission
05	10/03454/FUL	Grove Farm, Ashton Road, Leigh, SN6 6RF	Erection of Agricultural Workers Dwelling & Garage - Revision to 08/02633/FUL	Permission
06	10/03885/FUL	The Mansells, Upper Minety, Wiltshire, SN16 9PY	Extension to Existing South Elevation to Create Two Storey Bay (Resubmission of 10/00825/FUL).	Refusal
07	10/03886/LBC	The Mansells, Upper Minety, Wiltshire, SN16 9PY	Extension to Existing South Elevation to Create Two Storey Bay (Resubmission of 10/00826/LBC).	Refusal

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>15<sup>th</sup> December 2010</b>		
<b>Application Number</b>	<b>10/03739/FUL</b>		
<b>Site Address</b>	<b>Glen Avon, Hornbury Hill, Minety</b>		
<b>Proposal</b>	<b>Demolition of existing dwelling and erection of 8 no. Dwellings, vehicular and pedestrian access, parking and landscaping (resubmission of 10/00426/FUL)</b>		
<b>Applicant</b>	<b>Thornacre Developments and Zota Limited</b>		
<b>Town/Parish Council</b>	<b>Minety Parish Council</b>		
<b>Electoral Division</b>	<b>Minety</b>	<b>Unitary Member</b>	<b>Councillor Carole Soden</b>
<b>Grid Ref</b>	<b>402530 190556</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>S T Smith</b>	<b>01249 706 633</b>	<b>Simon.smith@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

This application has been referred to the Development Control Committee at the request of Councillor Soden so as to enable full and open consideration of the form of development, highway safety and potential for impact upon the neighbours. This follows an earlier application for exactly the same form of development on this site, also considered by the DC Committee in September 2010.

### 1. Purpose of Report

To consider the above application and subject to all parties entering into a an agreement under s106 of The Act in respect of affordable housing, to recommend that the decision be delegated to the Area Development Manager for planning permission to be GRANTED subject to conditions.

Forty four (44) letters of objection have been received from members of the public. The Parish Council have objected to the application.

### 2. Main Issues

The application is submitted pursuant to a previous application for exactly the same development on this site. It is again for the construction of eight dwellings following the demolition of a single existing property on the site. The application site is within the settlement framework boundary of Minety. As before the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policies H3, H6
- Principle of development
- Density, layout and design
- Effect upon residential amenity of existing properties
- Access and highway safety
- Surface water drainage
- Community infrastructure (Policy C2)

### 3. Site Description

The application relates to a 0.19Ha site with existing single (now derelict) dwelling, Access to the site is via a long 130m (approx.) surfaced access track serving 3 other dwellings (4 including the dwelling currently upon the application site) together with the Minety sports pavilion. A public footpath runs through the site, following the line of the access track.

The application site is entirely within the Settlement Framework Boundary of Minety, although the routing of the boundary takes a deliberate and elongated step out from the core built up part of the village which runs east/west and north/south along the through roads.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
07/03332/OUT	Erection of eight houses	Refused
08/02310/OUT	Outline application for the erection of eight houses	Granted
10/00426/FUL	Demolition of existing dwelling and erection of 8 no. dwellings vehicular and pedestrian access, parking and landscaping  Refused for the following reason:  The proposed development does not include or bring forward adequate provision for affordable housing as is required by Policies C2 and H6 of the adopted North Wiltshire Local Plan 2011 and supporting guidance contained within the Revised Affordable Housing Supplementary Planning Document 2008.	Refused 22/09/10  Appeal lodged

### 5. Proposal

This proposal is essentially for the demolition of the existing dwelling on the site and the creation of 8 dwellings (7 net) in its place. The application includes proposals for the provision of access to the site via the existing track leading to the sports pavilion.

The application is submitted pursuant to a refusal of the Development Control Committee to grant planning permission for exactly the same form of development under reference 10/00426/FUL. That application was refused on the basis that the scheme did not bring forward adequate provision for affordable housing.

Both applications represent a revised scheme following a refused application under 07/03332/OUT for 8 houses and a subsequent grant of outline planning permission under 08/02310/OUT, also for 8 dwellings.

### 6. Consultations

#### Parish Council

*"1) Strong objections to the proposed car port. This will make an already urban style development*

*even more unsightly and apparent in a rural area. The large roof block is not aesthetically pleasing and will reduce the amount of open space in the area. It is definitely out of character in this location.*

*2) Access. Councillors are still very concerned about the access arrangements and are not convinced that the required width is available. The number of cars using this access will make it very dangerous for children using the Play area and any sport activities.*

*Despite the land registry document, Councillors doubt that the width required for the access is available, but, in the interest of safety, this must not be reduced.*

*If grants are to be used for the social housing element it appears that this developer is being subsidised by taxpayers' money for an unwanted development and still not being asked to contribute to open space provision, despite Council policy on this. An explanation would be appreciated.*

#### Housing Enabling Officer

*Policy H6 of the North Wiltshire Local Plan seeks to negotiate an element of affordable housing to meet local needs on all housing developments within the Framework Boundaries of the villages. The Council will negotiate 50% of the dwellings to be affordable subject to local needs and site characteristics. There are 76 people seeking an affordable home in Minety and the surrounding villages.*

*The units must be provided on site in clusters of no more than 5 dwellings to contribute towards a mixed and inclusive community without the need for public subsidy. All affordable units will be transferred to one of the Councils preferred RSLs without the need for public subsidy or grant.*

*The required standards for the affordable housing units are set out in the NWDC Revised Affordable Housing Supplementary Housing Document April 2008. The affordable housing units must be designed and constructed to satisfy the Code for Sustainable Homes Level 3 and at a minimum must comply with the Homes and Community Agency Housing Quality Indicators Version 4. The affordable units must be tenure blind to ensure an inclusive and sustainable community.*

*The affordable units will be provided through a Registered Social Landlord charged at target rents which are regulated by the Homes and Community Agency to ensure affordability for the end use. All social rented units shall be secured in perpetuity through s106 agreement.*

#### Wiltshire County Council Highways

In response to the previous application, required revised plans to demonstrate 16 parking spaces can be provided. Subject to the provision of such a plan, will be able to confirm no objection subject to the conditions which were applied to the outline consent relating to access, parking and turning being applied to any permission granted.

#### Land Drainage Engineer

In response to the previous planning application, the Land Drainage Engineer notes the storm drain mentioned in Para. 2.4 of the drainage strategy may be at capacity, or may require jetting (clearing) and the same can be said for other parts of the system in this area. Certainly the outfall was blocked when I was there. It does look as though the aforementioned storm drain picks water up from part of Hornbury Hill and an area north of this, possibly the school. It also picks up water from the adjacent field (albeit without the ditch), the existing houses and then also the proposed development.

One reason that may possibly cause the storm drain to exceed its capacity is the runoff from the adjacent field; this will reach the inlet to the storm drain way before the rest of the system can pipe it there, which in turn will cause the water to back up hence the reported flooding. Reinstatement of the ditch (Para. 2.5) may offer an opportunity to control some of the flow from the field with the addition of a

control structure (stank) to hold up flows, which may increase the capacity of the existing storm drain.

Ultimately confirmed that the drainage scheme proposed, if implemented, would be adequate to drain the site and stop future flooding.

In response to the current application, which comprises the exact same arrangements for drainage of the site, the Land Drainage Engineer has reconfirmed his satisfaction with the scheme. Concerns about the existing drainage ditch (currently filled in – allegedly for at least the last 30 years) to the Western boundary of the site are largely a boundary dispute between neighbours. The applicant has, however, confirmed that the ditch will be cleared as a result of development.

## **7. Publicity**

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

Forty four (44) letters of letters of objection received

Summary of key relevant points raised:

- Very little space between properties and neighbours – too high density of development
- Overlooking / oppressiveness due to height and raised ground level of new properties proposed
- Appearance of development is poor and out of character with locality
- Open space proposed is inadequate
- Poor access width and land not under ownership of applicant
- Lack of access for service vehicles
- Highway safety compromised by increase in houses making use of access lane
- Emergency services unable to access development site along lane
- Surface water drainage arrangements inadequate – existing drainage ditch should not be interfered with or provide a destination for surface water from the site.
- Overload an already overloaded drainage system
- Hedging and trees have already been lopped and cut back
- Location of waste bins

## **8. Planning Considerations**

### Principle of development

This proposal is identical to the scheme that was refused permission by the Northern Area Planning Committee in September 2010.

The site lies inside the defined settlement framework of Minety - although the routing of the boundary takes a deliberate and elongated step out from the core built up part of the village which runs east/west and north/south along the through roads. Nevertheless, the principle of residential on this site does comply with policy H3 of the Local Plan 2011.

The existence of an extant outline planning permission (issued on 24<sup>th</sup> November 2009) is a highly material planning consideration when determining this new application.

### Density, layout and design

As per the previous outline planning permission, the development of 8 units on a site of 0.19Ha in area results in a density of approximately 42 dwellings p/Ha. This figure sits comfortably above

the indicative minimum specified by PPS3. Indeed, such a density is not considered to be inappropriate to its location adjacent to existing residential development, and although perhaps at a greater density than existing development gaining access from the lane, the differences would not be extreme or unexpected, as warned against by national and local policy.

In close similarity to the outline planning permission, the number of units proposed translates into an arrangement of two distinct blocks of four units each. Parking spaces have been provided for all units, similarly arranged into two blocks. The layout appears to take account of the public right of way and respect the position of "Beechwood", the closest existing dwelling and is considered to be satisfactory.

Newly proposed is the insertion of a timber car-port type structure between the two blocks. The comments of the Parish Council in respect of this element of the scheme are understood, however the function of the car port to shield large areas of parked cars that would otherwise remain open to view, is considered to be a worthwhile addition to the scheme.

Despite some changes to their appearance, the proposed remain largely neutral appearance. They do not radically diverge from Minety village as a whole, which does not display any particular architectural theme. A small increase in the height of the dwellings over the outline permission (to a maximum ridge of 9.7m) is thought to be consequential to the success of the scheme. As before dormer windows are proposed to serve the now almost universal use of roof-space. As a feature, dormer windows can be seen elsewhere within Minety on dwellings and to this extent are not considered to be out of place. Materials are to be predominantly render with stone detailing.

Proportions of the dwellings continue not to be considered objectionable. Despite a small increase in the height of the dwellings over the outline permission (to a maximum ridge of 9.7m) is thought to be inconsequential to the success of the scheme, particularly in the context of other existing properties in the vicinity of large modern proportions.

#### Impact upon residential amenity

The site relationship with nearest residential properties is primarily defined by the common unadopted access lane, with 3 properties gaining access from it, plus 2 further properties positioned either side of its junction with Hornbury Hill. Clearly whilst there would be additional traffic associated with development of the site making use of the access track, in the context of existing traffic movements and the proximity of other roads and land uses, this is not thought to result in an adverse impact upon amenity from noise and disturbance that would warrant a reason for refusal.

In terms of built development, the closest existing property would be "Beechwood" to the immediate north. At some 8.0m+ distant and orientated along the same "building line", the relationship and consequent impact is not thought to be objectionable.

#### Access and highway safety

As per the outline planning permission, access to the site is to be via the existing track. There is no change to the proposed arrangements.

Whilst the concerns of local residents are understood in respect of highway safety, Wiltshire County Council have again indicated their general satisfaction to the scheme following negotiations in respect of planned widening of the lane (ie. the width of the access land is to be increased to a minimum of 4.1m). For this reason, and in the absence of expert opinion to the contrary, it is considered unreasonable to use highway safety as a reason to refuse development on this site. Critically, given the existence of the outline planning permission which has effectively already ruled on the issue of the acceptability of the access arrangement, it would not be possible to refuse planning permission on that basis.

Ownership of the land required to widen the access road continues to be disputed, with several residents suggesting it is not under the control of the applicant. Plans that form part of the submitted application make it clear that the required land is within the application site (ie. shown as being within the red-line) and that “notice” is not required to be served because all of it is within the ownership of the applicant. So long as the application has been configured in this way, there is no reason for the Council to examine this matter in more detail since it remains, essentially, a private boundary dispute. In any event, and as per the previous outline planning permission, carefully worded condition(s) could ensure that the widening of the lane take place prior to the dwellings being commenced, thus resulting in permission not being implementable, if ownership does in fact prove to be problematic.

Bin storage is to be kept within the confines of the main body of the site and not along the site access as was once suggested.

### Surface water drainage

In common with the previous outline permission, the Council's Drainage Engineer has identified the existing storm water to be blocked and that the ditch to the western boundary poorly maintained. These may be the contributory factors to the flooding that has in the past been experienced in the locality.

Notwithstanding existing problems, the Land Drainage Engineer continues to indicate his satisfaction with the submitted scheme (which remains exactly that as previously proposed and approved under the outline permission). In order to address any potential concerns over the future management of the ditch it is considered reasonable to impose an addition condition that will require the submission of such details prior to the commencement of development.

### Community infrastructure (Policy C2)

This was the sole reason for refusing planning permission under 10/00426/FUL. Under that application, the applicant were willing to provide 1 affordable housing, in the form of an off-site contribution, with no provision towards public open space. At the time of considering that previous application, Officers concluded that such provision was reasonable, when taking account of the viability of the scheme coming forward. Members of the DC Committee disagreed with that conclusion.

The applicant is again relying upon evidence in the form of a financial appraisal that the previously approved outline scheme would not be economically viable to implement if the expected three affordable housing units are required (ie. the outline permission required three of the eight units to be affordable housing). As Officers advised Members of the Committee at the time of considering the previous application, it is clear from appeal decisions on such matters of viability, Local Planning Authorities do need to take account of the viability of schemes.

For this very reason, Local Plan policy does allow for a flexible approach to negotiations for community infrastructure provision.

Advice from the Council's Housing Enabling Officer follows extensive negotiation over this very issue. As before, that advice is firmly that the 3 affordable units required under the existing consent would render the scheme unviable to deliver. It has also been advised that it would be reasonable to include a clause within any legal agreement (delivering that affordable housing) which would require additional affordable housing contributions to come forward if a greater degree of profit is realised by the developer than presently expected.

The advice to Members must therefore remain the same – that a reduced contribution towards affordable housing is reasonable in this particular instance.

## 9. Conclusion

The application (which is identical to the refused 10/00426/FUL) differs in no substantive respect than the outline planning permission, which still has over 2 years left to run. Critically, the proposals for both drainage and access remain exactly the same. In this context there is considered to be no reasonable reason to refuse planning permission.

In respect of matters relating to the provision of affordable housing, no further evidence has been provided. However, Officers advice to Members of the Committee must remain as before - it is reasonable for a reduced contribution to be delivered in this particular instance.

Members will be aware of the lodged appeal pursuant to the previous refusal to grant planning permission (based solely upon inadequate affordable housing provision). Officers are obliged to also advise of the difficulty faced by the Council in defending that reason for refusal.

## 10. Recommendation

Planning Permission be GRANTED for the following reason:

The appearance, layout and scale of the development is considered to be acceptable in this location in Minety, and as such is considered to be in accordance with Policies C2, C3, H3 and H6 of the adopted North Wiltshire Local Plan 2011.

**Subject to the completion of a legal agreement under s106 of The Act, in respect of the Housing Enabling Officer's requirements, for at least one unit of affordable housing to be delivered;**

then :

**PLANNING PERMISSION BE GRANTED 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 carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. No development shall commence until details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory layout in the interests of the amenity of the area.

4. No development shall commence until details/samples of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than those shown on the approved plans) shall be placed or erected forward of any wall of a building (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

Reason: In the interests of the open plan layout of the area.

8. The proposed surface water drainage scheme shall be implemented in complete accordance within the submitted Surface Water Drainage Strategy prepared by Cole Easdon Consultants (dated May 2008) within three months of the commencement of development on this site.

Reason: In the interests of providing adequate measures for the disposal of surface water from the site.

9. Prior to the commencement of development a comprehensive plan for the ongoing management and maintenance of the stormwater drain crossing the site and ditch running along the western boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include measures for clearing the storm water drain and ditch prior to connection, their regular future maintenance, together with the installation of a control structure so as to hold flows and effectively increase the capacity of the storm drain. Development shall be carried out in complete accordance with those details submitted and approved.

Reason: In the interests of ensuring the developed site is not a cause of flooding to nearby properties through management and maintenance.

10. No development shall take place until the proposed and required widening of the access track to the site from Hornbury Hill has been wholly completed in complete accordance with the details contained on the submitted plan reference TP5056-001 rev.C.

Reason: To ensure that a safe vehicular and pedestrian access to the site has been provided prior to any commencement of building works within the main body of the development site.

11. The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.



Reason: In the interests of highway safety.

12. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

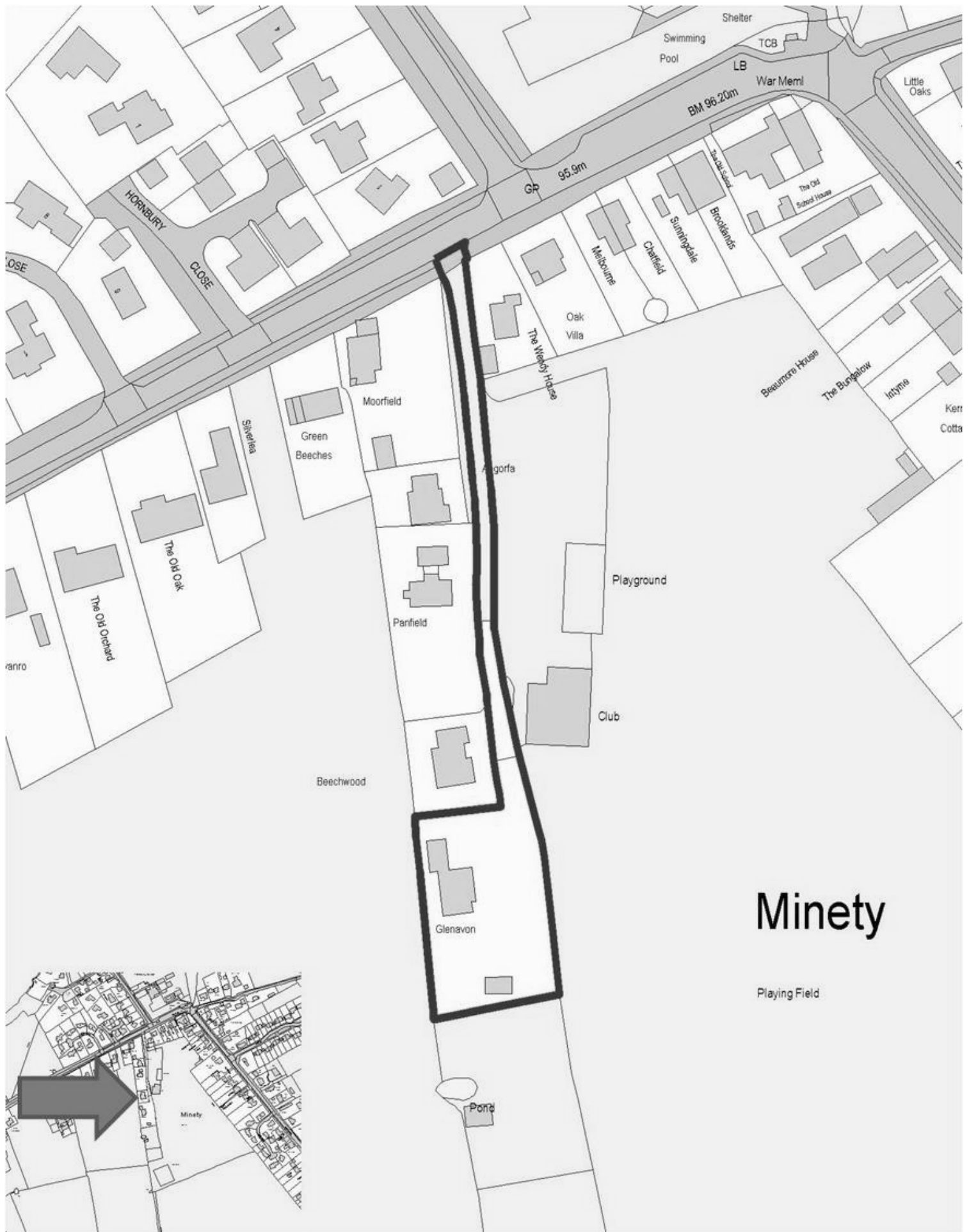
Reason: In the interests of amenity and road safety.

13. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved refuse 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.

POLICY—C3

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	



# Minety

Playing Field

## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>15<sup>th</sup> December 2010</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 has been referred to the Development Control Committee at the request of Councillor Thomson to consider the future of this Listed Building and the potential benefits of bringing a redundant building back into use.

### **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. Unfortunately an impasse has been reached between officer and the applicant in respect of the level of information needed to thoroughly assess the impact on the Listed Building and any changes which may be required to mitigate the harm to the building as a consequence of the conversion on the basis of information available and other matters such as ecology, flood risk, and developer contributions.

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

St Paul Malmesbury Without Parish Council require several issues to be resolved until they can wholeheartedly support the proposal.

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

2 letters of support have been received.

### **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 a rather 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 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.

##### **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 three or four 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. No structural survey has been provided but the works are likely to be extensive to convert this into a three bedroom single storey property with its own front courtyard. 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 (in the front of) 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.*

Principal Ecologist - the full consultation response is available on the file and website. There is evidence of multiple roosts including a significant lesser horseshoe roost in the basement and several brown long-eared, pippistrelle and lesser horseshoe roosts in the roof spaces. Great crested newts have been recorded on ponds at the site and identified in other reports in relation to adjacent sites but not by the report submitted in respect of this current application site.

The proposal would result in the loss of a lesser horseshoe roost in the basement of the building, alterations to the building such as the loss of crevice features and division of roof spaces for fire regulations may affect other roosts within the buildings. External lighting around the building and in the grounds could affect bats use of other roost locations and flight routes around the site.

If the grounds of the school including woodland and lake are to be adopted as open space for the development, the proposals should include a scheme of management and maintenance of these habitats.

It is recommended that the site should be fully surveyed in line with the initial recommendations within the bat report and best practice published guidance in order to inform a mitigation statement for the

development which will safeguard bats and their roosts. It is necessary to remove/modify plans for unit 1 which is currently well used as a lesser horseshoe roost, in order that it can be retained in situ, as it is not possible to recreate the environmental conditions of this roost elsewhere within the site.

The risk of great crested newts occurring on site should be re-assessed in light of previous survey information and mitigated via a precautionary approach to development.

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 – comments waited.

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.

2 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

2 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, an impasse has been reached with this proposal in terms of the general information provided and the level and detail of the information.

Of note outstanding at this juncture are:

- Further ecological survey;
- Flood Risk Assessment and associated documents as required by the Environment Agency;
- Consistent scaled plans;
- Structural and Conditions Survey; and
- Tree Survey; and
- Draft Head of Terms for a Legal Agreement

#### 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.

Furthermore, the absence of a detailed conditions survey (which notes the current structural and detailed condition of the building) undermines any thorough assessment of the proposals as they currently stand, as does the lack of consistency in respect of the scale of plans. The works required may or may not be more extensive than is currently known and the scheme may not be an accurate reflection of the proposals. For example, it is known that some of the works undertaken by the school were somewhat unsympathetic to the building and covered up some features such as fireplaces and architraves which should be retained where possible.

Accordingly, the proposal is considered to be 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. There may also be implications for protected species. Furthermore, 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.

### Impact on ecology

In the absence of further surveys the extent of harm to ecology over and above that already known in respect of bats due to Unit 1, is unable to be ascertained. The known and unknown impacts of the development on ecology are thus contrary to Policies C3 and NE9 of the Local Plan 2011.

### 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

At the time of pre-application advice and upon the initial submission of the application, developments of a scale of less than 10 dwellings did not require an educational contribution. However, it has come to light in the past few months that educational capacity within Malmesbury is limited and as a consequence education contributions are now sought from this development.

Discussions in respect of this matter are on going with the applicant and are not yet resolved at this stage.

The provision of on and/or off-site open space is not yet agreed. Any on-site open space will be managed by a private company and a legal agreement/condition required in respect of this. A small off-site financial contribution is also sought at this juncture towards a local nearby facility.

In terms of affordable housing the development would be less than 15 dwellings and the site area (excluding the main grounds) is less than 0.5ha and thus at face value the scheme is not required to provide any affordable housing. Policy H5 says (at criteria iii) "applications which are deliberately subdivided or reduced unrealistically to avoid the threshold will not be accepted." The whole site is within the control of the applicant and the proposals specifically exclude Polly Viner House and the Principal's House which could yield in excess of 15 dwellings and the 0.5ha. Pre-application discussions have addressed the wider site and its development potential. Thus the development is considered to represent a piecemeal approach to the development of the site arguably with the intention to avoid provision of affordable housing. This would be contrary to Policy H5 of the Local Plan.

In the absence of any completed legal agreement, the development is unacceptable on these grounds and contrary to Policies C2, C3, CF3 and H5 of the adopted North Wiltshire Local Plan 2011.

### 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, ecology 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**

**REFUSE** 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 known protected species at the site and insufficient information has been provided to ascertain any additional impacts over and above this. Accordingly the proposal is contrary to Policies C3 and NE9 of the adopted North Wiltshire Local Plan 2011 and national guidance contained in PPS9 “Biodiversity and Geological Conservation”.
3. Insufficient information has been provided in respect of the impact of the development on protected trees and 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.
4. 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”.
5. 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).

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	15 <sup>th</sup> December 2010		
Application Number	10.03028.OUT		
Site Address	Clouds Farm, Box Hill, Box		
Proposal	Erection of Agricultural Workers Dwelling (Outline)		
Applicant	Messrs C & F Freeman		
Town/Parish Council	Box		
Electoral Division	Corsham Without and Box Hill	Unitary Member	Dick Tonge
Grid Ref	383777 169350		
Type of application	Outline		
Case Officer	Emma Pickard	01249 706637	Emma.pickard@wiltshire.gov.uk

### Reason for the application being considered by Committee

This application has been called in to committee by the local councillor Dick Tonge to consider the business case for the dwelling.

### 1. Purpose of Report

To consider the principle of an agricultural workers dwelling and to recommend that the application be GRANTED subject to condition.

### 2. Main Issues

The key points to consider are;

- Whether the erection of an agricultural workers dwelling is justified under the tests as identified within PPS7 (Sustainable Development in Rural Areas);
- Impact of development in relation to policies;
  - NE1 (Western Wiltshire Green Belt)
  - NE4 (Areas of Outstanding Natural Beauty)
  - NE5 (Nature Conservation Sites of International Importance)
  - NE6 (Nature Conservation Sites of National Importance)
  - H4 (Residential Development in the Countryside)
  - C3 (Development Control Core Policy)

### 3. Site Description

The site is proposed off an existing access track to Clouds Farm, which takes access from Boxfields Road. The working farm site is located a few metres further along this track. The site is located in the north eastern corner of an existing pony paddock and measures approximately 50m x 40m (the southern boundary is 30m).

There are existing stables adjacent to the east boundary with gardens beyond which are associated with the cottages to the south. The land is open to the south and west but has mature vegetation to the north and east boundaries.

The site is within the open countryside, within the green belt, an area of outstanding natural beauty and a nature conservation site of national and international importance.

Clouds Farm is an existing farming enterprise comprising a suckler herd and an agricultural contracting business. The applicants own the freehold of 24ha (60acres), 19ha (47 acres) are occupied under farm business tenancy, with four years unexpired, and 42ha (104 acres) held on grazing agreement. Approximately 207ha (500acres) are farmed under contract farming arrangements and in addition the applicants undertake contract services across approximately 1,200 – 1,600 ha (3,000 – 4,000acres).

<b>4. Relevant Planning History</b>		
Application number	Proposal	Decision
10.01408.OUT	Erection of Agricultural Workers Dwelling	Withdrawn

#### **5. Proposal**

The application is in outline and proposes the erection of an agricultural workers dwelling in connection with the existing farming business.

#### **6. Consultations**

Box Parish Council: Strong objections. There is a considerable amount of land that is rented and not under the control of the applicant. It is not considered that this would be sustainable as the number of cattle could vary as quickly in the future as it has in the past. This has been running as a farm for a considerable length of time without the need for a house. It is felt that an agricultural condition could not be enforceable.

Highways: As the dwelling is located remote from local services and public transport and would be reliant on private vehicles, object on the grounds of sustainability. However, if you are minded to approve, I am satisfied that the site provides adequate parking and turning and the access is suitable for minimal increase in vehicular movement.

Ecologist: Site is located within the Bradford and Bath Bats Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) due to its proximity to Box Mine which is an internally important roost site for horseshoe and Bechstein's bats. The landscape between and surrounding these sites is also integral to the overall designation through the function of foraging areas and commuting routes. Whilst it is not known if the trees on the boundary of the site are used by commuting foraging bats, it is assumed to be significant to the integrity of the designated site. As the proposal is in outline only it is recommended that a condition be added to protect the tree line. The site is considered to be of sufficient size to accommodate the development without the need to remove any significant trees. Access should be located to avoid removal of mature trees and minimise shrub removal where possible.

Adoptions and Inspections Officer: I believe this application is outside the distance thresholds for Box recreation ground and therefore I do not wish to request an off-site contribution for open space.

Agricultural Consultant: The functional and financial tests are met and the proposed dwelling does not appear to be unusually large in relation to the identified functional need at the holding. (Report dated 13/09/2010)

Environmental Health: No objection subject to condition.

## **7. Publicity**

The application was advertised by site notice and press advert.

## **8. Planning Considerations**

### Agricultural Need

Policy H4 of the North Wiltshire Local Plan 2011, states that new dwellings in the countryside outside the framework boundaries will be permitted provided that, i) it is in connection with the essential needs of agriculture or forestry or other rural based enterprise.

Annex A of PPS7 provides guidance on proposals to erect agricultural dwellings. It states that isolated new houses in the countryside may be justified when required for agriculture, provided that:

- i) there is a clearly established existing functional need;
- ii) the need related to a full-time worker, or one who is primarily employed in agriculture and does not related to a part-time requirement;
- iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

An independent agricultural consultant engaged by the Council has assessed the proposal in relation to the above criteria. He comments that the applicants have established a very substantial and well equipped farming and agricultural contracting business at the application site, where there is an existing need for just over one full time worker.

With regard to the financial test, the applicants provided accounts for the agricultural business for recent trading periods and he considers the agricultural unit appears to be both profitable and viable.

Whilst the applicants concern about security at the holding can be taken into account when assessing functional need, according to Annex A, the existing functional need has been assessed specifically in relation to the requirement for close attendance of the 61 head of breeding cows and in-calf heifers. In the consultants opinion there is a need for close attention during calving and the existing number of livestock is sufficient to require an essential presence on the site at most times.

The application, although in outline, gives the size of the proposed dwelling at 160sq.m. In the consultants opinion this would not constitute 'unusually large' and would be acceptable in terms of the tests within PPS7.

### Landscape Designations

The site lies within the Western Wiltshire Green Belt, within which there is a presumption against 'inappropriate development', this includes the erection of new dwellings unless for agriculture or forestry. The criteria within PPS7 have been met and the principle of development is not, therefore, inappropriate.

Consideration should then be given to the siting of the dwelling in relation to the preservation of the openness of the green belt and whether or not the development conflicts with the purpose of including land within that designation. In addition, the site is within the Cotswolds Area of Outstanding Natural Beauty, within which the proposed development should conserve or enhance the natural beauty of the landscape.

The dwelling would be set back from Boxfields Road by approximately 100 metres. The significant amount of mature vegetation along this road will obscure the view of the dwelling from this public vantage point. In addition, from Boxfields Road the dwelling would be seen in context with the stables behind and dwellings to the south.

The site is adjacent to the existing farm access road. There are mature trees and hedging to the northern and eastern boundary of the site which will help to soften and screen the dwelling within its surroundings. A condition will be applied to ensure the retention of these trees.

The land is relatively flat within the immediate locality but within the context of existing features it is considered that a dwelling sited in this location would be relatively unobtrusive. Conditions are likely to be applied at the detailed stage to restrict the erection of outbuildings within the site, which will help minimise any intrusion into the landscape. It is considered with an appropriately designed dwelling at detailed application stage (with a maximum size of 160sqm), that construction of an agricultural workers dwelling in this location would preserve the openness of the green belt and preserve the natural beauty of the area.

Wiltshire council's Principal Ecologist is satisfied that, subject to a tree protection condition, the proposal would ensure the preservation of the SAC and SSSI.

It is considered that the proposal meets the criteria in policy C3 with regard to the natural environment, residential amenity and access arrangements.

In respect of the comments from highways, it should be noted that proposals for agricultural workers dwellings, by their nature, are an exception to the general stance regarding the sustainable location of development.

## **9. Conclusion**

There is sufficient evidence to justify the erection of an agricultural workers dwelling in association with the farming enterprise at Clouds Farm. The dwelling would be sited in a location that would preserve the special features of the landscape designations which the site is located within.

## **10. Recommendation**

Planning Permission be GRANTED for the following reason:



The proposal for an agricultural workers dwelling has been justified within the guidelines as set out in PPS7 and as such is not considered as inappropriate development within the green belt. The dwelling would be located in an area which is well related to the farming enterprise and where the new building could be designed to sit relatively unobtrusively within the landscape. It is considered that the proposal meets the criteria as set out in policies NE1, NE4, NE5, NE6, H4 and C3.

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 scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;
  - (e) The means of access to 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. 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.

Plan; Location plan scale 1:2500, dated 3<sup>rd</sup> August 2010.

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

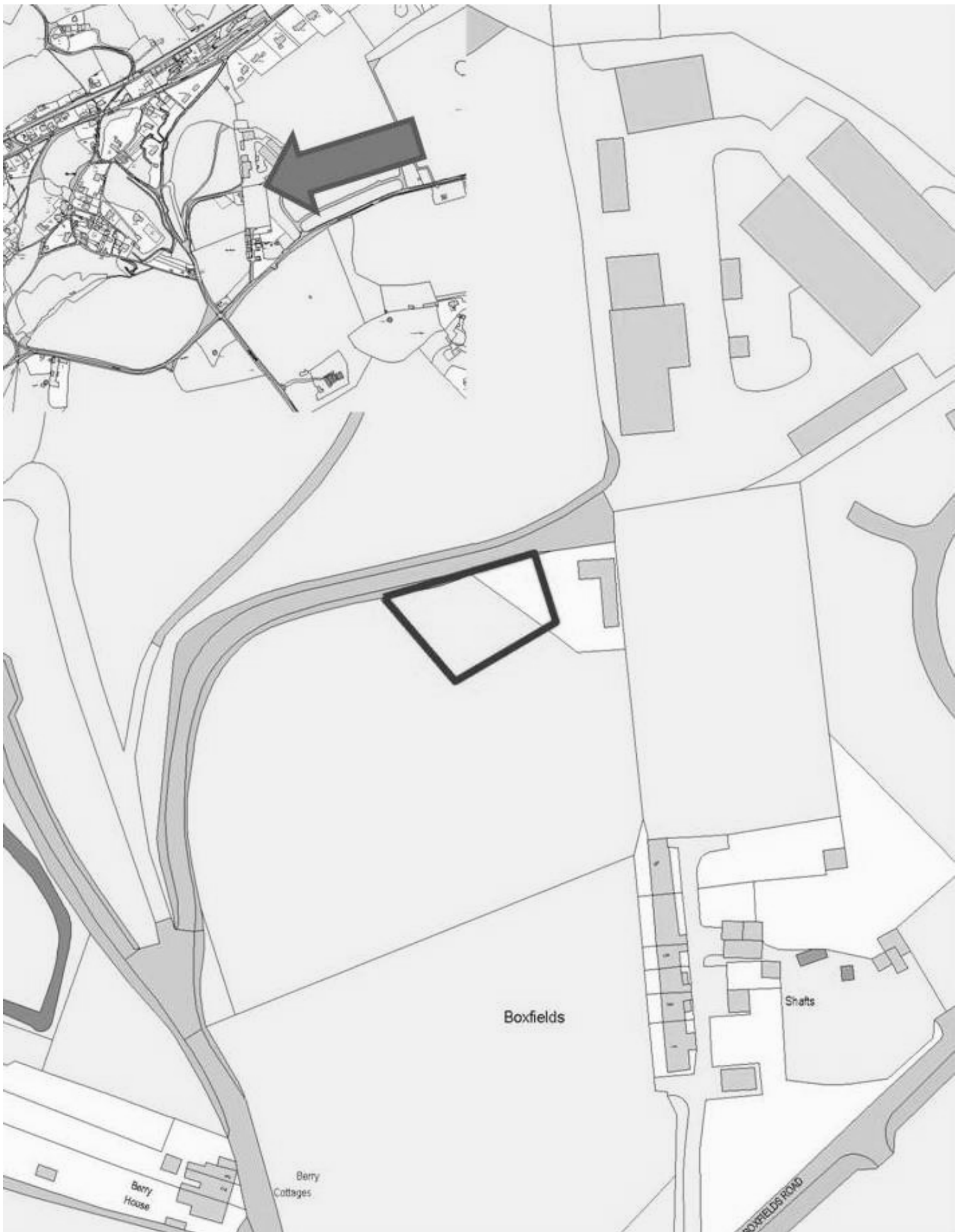
4. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

5. There shall be no works to, or removal of, any trees or shrubs within the site without the prior written approval of the local planning authority.

REASON: To protect the wildlife and the ecological interest of the site.

<b>Appendices:</b>	<b>NONE</b>
<b>Background Documents Used in the Preparation of this Report:</b>	



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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>15<sup>th</sup> December 2010</b>		
<b>Application Number</b>	<b>10/03454/FUL</b>		
<b>Site Address</b>	<b>Grove Farm, Ashton Road, Leigh, SN6 6RF</b>		
<b>Proposal</b>	<b>Erection of agricultural workers dwelling and garage (revision to 08/02633/FUL)</b>		
<b>Applicant</b>	<b>Mr Bowley</b>		
<b>Town/Parish Council</b>	<b>Leigh Parish Council</b>		
<b>Electoral Division</b>	<b>Minety</b>	<b>Unitary Member</b>	<b>Councillor Carole Soden</b>
<b>Grid Ref</b>	<b>404633 192078</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>S T Smith</b>	<b>01249 706 633</b>	<b>Simon.smith@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

This application has been referred to the Development Control Committee at the request of Councillor Soden so as to enable full and open consideration of the form of development in the context of previous decisions on the site.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission to be GRANTED, subject to planning conditions.

No letters of objection have been received from members of the public. The Parish Council have objected to the application.

### 2. Main Issues

The application is for the erection of a new agricultural workers dwelling. It follows a grant of planning permission for the erection of an agricultural workers dwelling on the site and a subsequent refusal (and dismissal at appeal) for an application to amend the scale and appearance of that permitted dwelling. The key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policies H3, H6
- Principle of development

### 3. Site Description

Grove Farm is situated some 2.0km south of the boundary of Ashton Keynes village in the open countryside.

The land immediately adjoining the application site extends to some 12.0Ha owned freehold by the applicant. There are four purpose-built agricultural building at Grove Farm. It is understood that

the applicant also farms 81.0Ha at Church Farm, Ashton Keynes. It is understood that in addition to the existing horticultural business run from Grove Farm, the applicant intends to establish a beef rearing enterprise. It is proposed that a total of 185 head will be reared through the farm annually.

An agricultural workers dwelling has been constructed on the site. That dwelling is current unlawful and is the matter this application seeks to address.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
04/02137/FUL	Stationing of mobile home	Permission
06/03076/FUL	Agricultural workers dwelling	Permission
08/02633/FUL	Erection of agricultural workers dwelling (revision to 06/03076/FUL)	Refused 20/04/09  Appeal dismissed 2/11/09

## **5. Proposal**

The application seeks to retain the substantive part of the agricultural workers dwelling constructed unlawfully on the site. It proposes an amended scheme, taking account of the conclusions drawn by the appeal Inspector under reference 08/03076/FUL.

The constructed dwelling is of a three floor design (ie the top floor being accommodation in the roofspace), whereas the permitted dwelling (under 06/03076/FUL) was of a two storey design. Its siting and footprint is as permitted.

## **6. Consultations**

### Leigh Parish Council

*“2.6 states cattle will be kept for 12 months*

*3.3.states all cattle will be housed all year round*

*2.2 states the two livestock buildings are 480m<sup>2</sup>. It also states in several places that the average number of cattle at any one time will be 185.*

*Farm assurance standards and rules say 185 cattle weighing an average of 200kg would need 3.00m<sup>2</sup> each = 555m<sup>2</sup>. The average weight is sure to be much higher than that so the buildings are not big enough for his projected budget to work.*

*There are no farm buildings at Church Farm*

*3.4 talks about the grass and maize silage that will be fed to the cattle. When we visited on 28-09-10 there were just a few wrapped bales; you would expect a large heap by now. The maize has been harvested but none has been stored on site and there is no provision to do so. There is no provision to store neither any muck nor any system to contain any dirty water runoff that we could see.*

*3.5 states that Piers Bowley is currently looking after the cattle on site, but when we visited there were no cattle to be seen.*

*The original planning permission that was given was that calves were being weaned on site.*

*2.6 states that animals 3 months old would be purchased, in other words already weaned.*

*This application was also granted for an Agricultural farm worker. Mr Bowley states in the report that he would employ a contractor to feed animals, thus meaning that this application is really not for a worker but a land owner contradicting the previously approved application.*

*Planning policy guidelines recommend any agricultural worker's dwelling does not exceed 120 m<sup>2</sup>; this application already exceeds this.*

*Mr Bowley claims in his report that he farms over 200 acres; can he prove this?*

*Church farm is not a working farm.*

*As I write this letter to yourselves I am aware that all the fodder produced off this land (hay, silage, maize) this year is up for auction.*

*This application is a complete shambles and the reports do not justify what is happening at Grove Farm.*

*Mr Bowley when building this house decided to bluntly ignore the plans that had been passed in the original application.*

*Leigh parish council recommends that the council REFUSES this application and insists that Mr Bowley follows the conditions imposed at the appeal and reduces the roof height etc."*

#### Council's Agricultural advisor –

Concludes that the proposed dwelling is not unusually large or expensive in the context of the range of floorspace usually considered appropriate for agricultural workers dwellings. There is no available record of the proposed beef enterprise attaining financial viability, from the submitted business plan, it does at least appear that the proposed venture has been planned on a sound financial basis. The proposal would not meet the functional test since the enterprise has yet to come into existence.

## **7. Publicity**

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

No letters of letters of objection have been received

## **8. Planning Considerations**

### Background

The application for revision to the permission granted under 06/03076/FUL. That permission allowed for the creation of a permanent agricultural workers dwelling of some 120 sqm gross floorspace. The dwelling was, at the time, justified on the applicant's then dairy enterprise.

Subsequent to that permission, the applicants enterprise substantially altered in both scope and scale, thereby removing the original justification for the dwelling in the first place. As is common, that 2006 permission did not tie the permitted dwelling or its occupation to either the land holding or the enterprise it was justified upon. As such there is no ability for the Council to insist that the dwelling be demolished, merely that it must be occupied by persons employed in agriculture.

The 2006 appeal was fought over proposed revisions to the scale of the permitted dwelling. That 2006 appeal proposed both accommodation in the roof space (providing for two additional bedrooms) plus a single storey addition to the rear (providing for an office and boot room). The floorspace of that appeal proposal was 205 sqm gross.

The appeal was lost on the basis that the proposed dwelling was larger and in the absence of an established enterprise required by Annexe A to PPS7, was therefore not justified by or commensurate with the established functional requirements of the holding. The Inspector advised

that the appropriate time for the applicant to consider whether there is a functional need for a larger dwelling would be when and if a viable enterprise is established since it is the requirements of the enterprise, not the owner or occupier, that is the determining factor.

Nevertheless, in coming to this view the Inspector noted two issues. Firstly that the existing planning permission for an agricultural workers dwelling is a significant material planning consideration; and secondly that the increased height and prominence in the landscape of the proposed dwelling, in itself, would not be a reason to refuse planning permission.

In this context, the three floor dwelling constructed on the site remains unlawful.

### Acceptability of proposal

This is a revised proposal seeking to address the conclusions of the previous Inspector and the present situation whereby a dwelling which could be lawfully constructed no longer has a justification as would be required guidance in PPS7.

The application provides no further evidence in respect of the functional requirement for additional accommodation. Indeed, it is understood that the planned beef enterprise has still yet to be established, although the horticultural enterprise is already operating from the site.

What the application does do is to propose a dwelling that is of a reduced scale. Whilst continuing to propose accommodation across three floors (accommodation in the roof space), it omits the previously proposed office and boot room to the rear. This results in a dwelling of some 189 sqm gross floorspace (compared with 120 sqm as consented and 205 sqm as dismissed at appeal).

Clearly, this is still a substantial dwelling and does propose a five bed dwelling (ie. irrespective of the labelling on the submitted plans and omission of previously proposed rooflights, there would be no reasonable (or at least, enforceable) way for planning conditions to ensure that the rooms in the roofspace could not be used as bedrooms) compared with the consented three bedroom dwelling. Nevertheless, as the previous Inspector noted, the increase in height alone is not objectionable and the existence of the previous permission must be acknowledged as a significant material planning consideration – irrespective of the fact that there is no agricultural enterprise to justify its existence at all.

Largely because of the background, it is considered that this proposal is now in a format that could not be reasonably resisted. The alternative would be to take enforcement action to require the removal of the top floor of the dwelling.

The comments of the Parish Council are noted, but largely relate to matters that the previous planning Inspector has concluded upon or are discussed above.

## **9. Conclusion**

The existence of the 2006 permission is a significant material planning consideration. Although the Council's Agricultural advisor concludes that the functional and financial tests set out in PPS7 are not met, in the above context, it is considered reasonable to grant planning permission for a dwelling that is not of an inappropriate scale.

## **10. Recommendation**

Planning Permission be GRANTED for the following reason:



In the context of the existence of a previous planning permission, it is considered reasonable to grant planning permission for this agricultural worker's dwelling as it would comply with the provisions of Policies C3, H6 and NE15 of the adopted North Wiltshire Local Plan 2011.

**PLANNING PERMISSION BE GRANTED subject to the following conditions:**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 02 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 or in any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification), or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site is in an area where residential development for purposes other than the essential needs of agriculture, or forestry, is not normally permitted.

- 03 Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

- 04 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations and so as to ensure the dwelling remains at a size commensurate to the functional requirement of the holding.

- 05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), other than the garage shown on the approved plans, no other garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

- 06 At no time shall any business activities be carried out from the agricultural holding and/or dwelling (including providing any Bed and Breakfast accommodation) other than the agricultural operation to which the dwelling hereby approved relates, without the prior written approval of the local planning authority in the form of a planning permission in that behalf.

Reason: To ensure that the access to the site from Ashton Road is not used for vehicular traffic over and above that associated with the agricultural enterprise.

07 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.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	



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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	15 <sup>th</sup> December 2010		
<b>Application Number</b>	N.10.03885.FUL and N.10.03886.LBC		
<b>Site Address</b>	The Mansells, Upper Minety, Wiltshire, SN16 9PY		
<b>Proposal</b>	Extensions to existing south elevation to create 2 storey bay (resubmission of 10.00826.LBC)		
<b>Applicant</b>	Mr. O. Malik		
<b>Town/Parish Council</b>	Minety		
<b>Electoral Division</b>	Minety	Unitary Member	Carole Soden
<b>Grid Ref</b>	400614 191374		
<b>Type of application</b>	Planning and Listed Building Application		
<b>Case Officer</b>	Andrew Robley	01249 706 659	Andrew.robley@wiltshire.gov.uk

### Reason for the application being considered by Committee

Councillor Soden has requested that the Committee consider the effects of the proposal upon the character of the building.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission and listed building consent be REFUSED.

Minety Parish Council support the application and no letters of support or objection have been received.

### 2. Main Issues

The application is for the removal of two original windows and fabric below and between them from the 1700 wing and the construction of a two storey bay. The key points to consider are as follows:

- Implications on DC Core Policy HE4, PPS 5 policy HE9, PPS 5 English Heritage Guidance
- The irreversible loss of original fabric
- The justification in respect of residential amenity.

The proposal is identical to the applications that were refused planning permission and listed building consent at the Northern Area Planning Committee on 19<sup>th</sup> May 2010. A revised justification statement has been submitted.

### 3. Site Description

The Mansells forms part of a small historic group which includes Mansells Coach House to the north and a separately listed barn to the west. From the outside, the house is a picturesque mix of stone, plaster and half timbering in a roughly "H" shaped plan form of blocks of varying height under steeply pitched stone roofs. The variety of form, detail and materials displayed within the

house is fundamentally representative of the three main historical phases but also to an extent due to the somewhat whimsical and eclectic nature of the north (Victorian) wing.

Historically the most significant part is the central 1656 linear core which runs roughly north south and the 1700 east addition to it . The Victorian north wing is less significant in historical terms but has more architectural pretensions rather than the earlier parts which are more simple and vernacular. However, the Victorian wing does internally contain some introduced historical fabric including a C15th traceried timber ceiling which although out of context is clearly a significant historic feature.

Externally, the windows to the north Victorian wing are generally relatively large and of varying architectural styles from the 3 light stone mullioned window on the north elevation to the very large 5 light oriel window on the east elevation.

The early central core retains original window openings at first floor and attic level, but ground floor windows are largely not original, having largely been deepened or replaced with gothic style traceried bays. The Victorian and later additions are not all well conceived.

The 1700 range alone retains all its original windows. It comprises a single room on each of its three floors and each room has a complete set of three original windows, one to each external aspect. These are described in the list description as 3-light oak mullions with small leaded pane casements. Close inspection shows them to be good quality heavy section hand carved oak ovolo moulded mullions, subtly lighter in section on the first floor, the mouldings matching those on the main interior beams, also of heavy section and good quality. There is no doubt that these are the original frames and thus over 300 years old. It is understood that there is no dispute in this regard by the applicant. It is understood that the leaded lights have been progressively reglazed during the owner's tenure and that there is now little or no original glass. It is not disputed either that the bottom rails and lower sections of the frames have been attacked by death watch beetle. However, it was stated in the earlier refused application design and access statement which accompanied the application, that they were capable of repair, although in a later supplementary statement it is stated that the ground floor window was not capable of repair. The current design and access statement now categorically states that neither the ground floor window nor the first floor window on the south elevation are capable of repair although all the other windows in the two affected rooms are.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
N.87.517.LB. and 0458.F	Erection of bay window.	Granted
N.87.1318.LB	Alterations.	Granted
N.87.2007.LB	Extensions and alterations.	Granted
N.94.0543.LB	Alteration of drawing room window on west elevation.	Granted
N.94.2105.LB	Alterations to glazed frontage of garden room/conservatory.	Granted
99.01455.FUL and 01456.LBC	Demolition of modern porch and erection of new porch.	Granted

N.10.00825.FUL and 00826.LBC	Extension to existing south elevation to create 2 storey bay	Refused
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## 5. Proposal

The proposal is for a two storey flat roofed bay window 2.275 M wide by 1.510M deep by 4.63M high. This would be situated on the south elevation of the 1700 range. It would be constructed of lime roughcast pillars and spandrel panels onto a stone plinth and under a stone cornice. The windows at first floor would comprise a 3- light casement to the front with 2 No. single light casements to the sides. On the ground floor, the arrangement would be similar but the windows would be taller, each having transom lights at high level. The window frames would be of oak, glazed with leaded lights in metal frames.

In order to accommodate the new bay, two of the original windows would be removed and the fabric beneath and between them ( 0.6 M thick presumed plastered stone) would be removed (total area removed approximately 3.68 sq.m).

## 6. Consultations

Minety Parish Council – Support the proposal

## 7. Publicity

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

No letters of objection or support have been received.

## 8. Planning Considerations

Policy and Legislative Background

Policy HE4 requires that alteration affecting a listed building will only be permitted where it preserves or enhances the building and any features of special architectural or historic interest that it possesses.

Government advice is now under the new PPS5 and accompanying Practice Guide by English Heritage which replace PPG15.

Particularly relevant sections are HE7, HE9 of PPS5 and clauses 72, 79, 149, 152, 178,179,180 and 186 of the English Heritage practice guide to it.

Discussion

The reasons for the proposal are stated in detail in the applicant's design and access statement.

The primary reason is to improve the levels of daylight and sunlight into the ground floor room of the 1700 wing. The applicant works from home and uses this room as his study/office. He argues that there is insufficient natural light by which to work and insufficient sunlight which would help to heat the space by solar radiation.

The secondary reason is that he considers that the south elevation of the house is undistinguished and would benefit from the addition of the bay as an architectural feature. A further reason is that decay that in both the first and ground floor windows to the south elevation renders them irreparable. Appendix 2 of the Design and Access statement contains supporting evidence for this in the form of quotations from two joinery firms.

It is argued in the statement that the building has several different historical phases and has had a number of later additions and alterations particularly to windows, that have enhanced the house, the proposals are described as another such addition which would enhance this part of the house. It is further argued that there is no suitable alternative room within the house which could serve as the office. The agent also argues that the special character of the building derives from the eclectic mix of later variations rather than in any of the original fabric.

Clearly the removal of the two windows and the 2.5 sq. Metres of stonework between them would be a significant loss to the historic and architectural character of the building. The window frames are hand made in oak, with good mouldings. They are over 300 years old and contemporary with this wing of the house, which is agreed to be circa 1700. They contribute to the architectural character, which in this wing is remarkably consistent.

PPS5 HE7.1 says that in considering applications, ".... the significance of any element should be taken into account....".

HE9.1 says ".....there is a presumption in favour of conservation of heritage assets..... that once lost they cannot be replaced and that significance can be.... harmed or lost by alteration or destruction..... Loss affecting any heritage asset should require clear and convincing justification."

The Practice Guidance provides further guidance.

Clause 149 states that " original materials only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour helps maintain authenticity....."

Clause 152 is specific to repair of doors and windows and states ".....doors and windows are frequently key to the significance of a building. Change is therefore advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail....."

Clause 178 says "...It would not normally be acceptable for new work to dominate the original asset or its setting in either scale or material...."

Clause 180 Says "...Where possible it is preferable for new work to be reversible so that changes can be undone without harm to the historic fabric...."

Clause 186 Says "...New features added to a building are less likely to have an impact on the significance if they follow the character of the Building...."

Clause 179 says "The fabric is always an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new". The work proposed involves loss of original fabric and is therefore irreversible and thus not in accordance with clause 180.

The applicant and his agent argue that the proposed bay would enhance the building and in particular that the south elevation is plain and undistinguished. In fact this elevation and specifically the 1700 wing is largely unaltered, unlike the majority of the building, having features of overhanging bracketed eaves, boldly ovolo moulded beams and cornices and bold ovolo moulded window frames, all characteristic, of a piece and dateable to the period. The proposed two storey bay is a strong introduction of a major vertical element, whereas clause 186 of the practice note advises that "new features added to a building are less likely to have an impact on the significance if they follow the character of the building.....". Certainly whatever its architectural merits, it would diminish the architectural unity and completeness of the 1700 wing and the other alterations proposed to unify the south elevation could be done whether or not the bay is added and indeed the bay would tend to lead to disunity.

In summary, the evidence in the design and access statement is not that repair of the windows is completely impossible but that it is difficult and not economically viable. It should be noted that both joinery firms have nevertheless offered a quotation for repair.

In view of the revised information regarding the state of repair, the windows were looked at again by the case officer. It was noted that the sills are significantly eroded and that in the first floor window the right hand jamb has been previously splice repaired up to a height of 150mm but not the left hand jamb nor the two mullions, whereas the ground floor window had no previous splice



repairs. It is understood from the applicant that the windows were filled and painted internally approximately 4-5 years ago, yet there are no tell tale flight holes. Similarly there are none on the exterior which was decorated 13 months ago. The case officer's view remains that the windows are probably repairable and that therefore this should be attempted before discarding them due to their age and significance.

If indeed it were the case that the windows are completely irreparable, the correct course of action would be to replicate them to maintain the wholeness and reduce the loss of authenticity of the 1700 wing of the buildings. Similarly if one had a circa 1700 table with one irreparable leg, one would not take the opportunity to replace it with a larger leg of different design.

The proposed damage to the building has to be weighed against the applicant's justification argument which is made in detail in the design and access statement and summarised above.

The main justification argument is that there is insufficient sunlight and daylight in which to work and that the lack of solar radiation penetration renders the room cold, bearing in mind that the applicant works at home. Supporting information in the design and access statement is given in respect of the amount of sunlight that enters the room in February.

There is no reason to doubt the figures given. However, the room does benefit from triple aspect and two of the three windows, facing south and east do admit sunlight. The windows are small and the area of glass compared to floor area as given in the statement is low by modern standards. There is no doubt that supplementary electric light would be required to work in the room.

The argument over solar radiation is less easy to understand. During winter, when more heat is needed, normally more is lost through window glass, which is a relatively poor insulator than would be gained by solar radiation and a room with bigger windows such as the three sided bay proposed will be colder and therefore require more heat input on all but the sunniest days. The 600mm thick walls should serve to retain heat having reasonable insulation value and high thermal capacity and therefore the room should not be inordinately difficult to heat and would not be improved by addition of the bay.

In summary, the room does receive relatively low levels of sunlight and daylight but can function adequately as an office with supplementary electric light, which is fairly normal. However, the perception of adequacy of daylight and sunlight is a subjective thing and the applicant clearly feels the room is unsuitable as it stands.

The justification for the loss of the first floor original window and associated masonry is less supportable in any case, as this would be to a bedroom, where the need for daylight and sunlight is less. The reasoning in the design and access statement is that a single storey bay would be unsatisfactory in architectural terms. However elsewhere on the building there are several single storey ground floor bays and first floor oriels and only one double storey bay ( on the west elevation).

Officers have sought to discuss with the agent alternative proposals that might be less damaging to the building, for example using a room elsewhere in the building as the office. In particular it is considered that parts of the Victorian wing are less important historically. The first floor north east room is more spacious than the existing office ( 23 sq. M as opposed to 20 sq. M), well located, already well lit from a large 7 light east facing oriel window and a two light south facing window and has potential for the addition of a further south facing window; the ground floor is currently split into several small rooms and further re-ordering of this 1899 interior to create a room of similar size to the above or a smaller 17 sq.M, would be less damaging than the loss of circa 1700 fabric as proposed ( the pantry larder, store and hall are divided by relatively thin partitions, partly of modern blockwork ). These options were explored further at a meeting between the case officer and the agent during the first application consultation period and at a site meeting following the new application, ( although access to the above first floor room was not available on that day) but regrettably they have proved unacceptable to the applicant. It should be noted that

the design and access statement does not acknowledge the proposal for the first floor north east room although this is undoubtedly an oversight.

It is implied in the design and access statement that the elevation most affected by the proposals is relatively unimportant because it is not readily visible from the public road and is not the principle entrance elevation. That it is not readily visible from the public road or indeed neighbouring properties is undisputed but it is nevertheless important because this elevation contains both the early phases of the building and is relatively simple and uncluttered by later additions and because the 1700 phase is the most complete and original part of the building.

## **9. Conclusion**

The proposed two storey bay would result in disruption to the 1700 wing, which at present has survived largely in its original form, unlike other parts of the building. In particular, two original 300 year old oak framed windows would be irretrievably lost. The irreversible loss of these very early frames is a serious matter, only to be considered as a matter of last resort. The two quotations now supplied by the applicant indicate that repair would be difficult and that much of the original timber would be lost. The officer view remains that they are probably reparable and PPS 5 guidance advises that in cases of total loss of windows, they should in any case be replicated to the same design and in the same material.

The justification put forward is that the windows are too small and that there is insufficient daylight or sunlight and that the bay would constitute an enhancement. The windows are typical in size to many rural historic buildings in the district and the rooms concerned do benefit from triple aspect. Furthermore, this is a large house with many rooms on three levels and later wings of less importance. Insufficient consideration has been given to utilising other spaces, which either already benefit from more natural light or could be altered to provide more with much less damage to the significance of the building, particularly the north east first floor room in the Victorian wing. The existing south elevation is a pleasing amalgam of historical periods as part of a vernacular building and the proposed two storey bay is over dominant and would not achieve the harmonisation of the facade as suggested in the statement.

This proposal is not adequately justified, given that the rooms remains useable and that there are other alternative rooms within the house with larger windows or which are capable of being equipped with larger windows with less damage to significant features.

It is therefore recommended that the applications are refused in respect of policy HE4 because the proposed extension and alteration would not preserve or enhance the building, its setting or features of special interest that it possesses i.e. the loss of 2 No. 1700 window frames and associated stonework between them would not be adequately justified. In addition the proposal would not comply with PPS5 policies HE 9.1, 9.2 and 9.4 and 179 of the practice guide in these respects.

## **10. Recommendation**

Listed Building Consent and Planning Permission be REFUSED for the following reasons:

1. The proposals would damage the listed building and features of special architectural and historic interest without sufficient justification and is therefore not in accordance with the Planning (Listed Building and Conservation Area) Act 1990.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	

