

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber, Town Hall, St John's Street, Devizes SN10 1BN
Date: Thursday 11 October 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Jane Burton	Cllr Chris Humphries
Cllr Peggy Dow	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Jemima Milton
Cllr Richard Gamble (Vice Chairman)	Cllr Christopher Williams
Cllr Charles Howard (Chairman)	

Substitutes:

Cllr Liz Bryant	Cllr Jerry Kunkler
Cllr Trevor Carbin	Cllr Francis Morland
Cllr Nigel Carter	Cllr Christopher Newbury
Cllr Bill Douglas	Cllr Jeffrey Ody
Cllr George Jeans	Cllr Jonathon Seed
Cllr Simon Killane	

AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions.

2 **Minutes of the Previous Meeting (Pages 1 - 10)**

To approve and sign as a correct record the minutes of the meeting held on **09 August 2012**.

3 **Declarations of Interest**

To receive any declarations of pecuniary or non-pecuniary interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting**.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the

officer named on the front of this agenda **no later than 5pm on Wednesday 03 October 2012**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Applications (Pages 11 - 12)**

To consider and determine planning applications in the attached schedule.

- 6a **E/2011/1572/LBC: Baydon Manor, Marridge Hill, Ramsbury, Wiltshire, SN8 2HG (Pages 13 - 18)**
- 6b **E/2012/0854/LBC: 7 The Green, Aldbourne, Marlborough, SN8 2BW (Pages 19 - 26)**
- 6c **E/2012/1047/OUT: Dairy House, Puckshipton, Beechingstoke, Pewsey, SN9 6HG (Pages 27 - 34)**
- 6d **E/2012/0923/FUL: Bridewell Street (A4), Marlborough, Wiltshire (Pages 35 - 42)**
- 6e **E/2012/1121/LBC: Bridewell Street (A4), Marlborough, Wiltshire (Pages 43 - 46)**
- 6f **E/2012/0987/FUL: 1 South Street and The Old Forge, Aldbourne, Wiltshire, SN8 2DW (Pages 47 - 58)**
- 6g **E/2012/0986/LBC: 1 South Street and The Old Forge, Aldbourne, Wiltshire, SN8 2DW (Pages 59 - 62)**

7 **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

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 9 AUGUST 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, BATH ROAD, DEVIZES SN10 2AT.

Present:

Cllr Jane Burton, Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Jerry Kunkler (Substitute), Cllr Jemima Milton and Cllr Jonathon Seed (Substitute)

Also Present:

Cllr Nigel Carter and Cllr Lionel Grundy OBE

48. Apologies

Apologies were received from Cllrs Christopher Humphries, Christopher Williams and Laura Mayes.

Cllr Humphries was substituted by Cllr Jerry Kunkler.

Cllr Mayes was substituted by Cllr Jonathan Seed.

49. Minutes of the Previous Meeting

The minutes of the meeting held on **19 July 2012** were presented, and it was,

Resolved:

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

50. Declarations of Interest

There were no declarations.

51. Chairman's Announcements

It was confirmed application E/2012/0408/FUL - *Darrells Farm, Ramsbury* - had been withdrawn by the applicant.

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

The Committee noted the rules on public participation.

53. **Planning Applications**

53.a E/2012/0797/FUL: 32 The Brittox, Devizes, SN10 1AJ

The Area Development Manager introduced a report which recommended approval. It was highlighted that 20% of the shop units in The Brittox were currently vacant, and that in a correction to the report papers, the application was for the ground floor of the property only. It was also noted that the proposal was for a change of use only, and that the key issues included finding a viable new use for the listed building to prevent decay, and whether the application would contribute to the vitality and viability of the town centre.

The Committee then had the opportunity to ask technical questions of the officers. There were no public speakers regarding the application.

The Local Member, Cllr Nigel Carter, then spoke in support of the application.

A discussion followed, where the implications of the National Planning Policy Framework in relation to the individuality of town centres was raised, along with the number of Coffee shops already current in Devizes, the impact on the paved area outside the proposed site and the position of the Town Council, not in objection, was noted.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development, by bringing a vacant unit in a listed building located in a prominent position in the conservation area into a viable new use, would make a positive contribution to the vitality and viability of the town centre. This would be in accordance with policy ED18 of the Kennet Local Plan and with the guidance contained within the National Planning Policy Framework.

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 ground floor of the premises shall only be used for A1 retail purposes or as a coffee shop serving coffee, other hot and cold drinks, sandwiches and other light refreshments for consumption on or off the premises.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 3** No primary cooking of unprepared food shall be carried on within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.

REASON: In the interests of residential amenity and to protect the vitality and viability of the primary shopping area.

- 4** Before the change of use takes place, there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the insulation against noise emissions from extraction fans, compressors and any similar equipment. Such scheme as is approved shall be implemented in accordance with the approved details before the change of use takes place.

REASON: In the interests of the amenities of the area.

- 5** The change of use shall not take place until a scheme for the control of fumes from extractor fans and similar equipment has been submitted to and approved in writing by the Local Planning Authority; and the development shall not be brought into use until that scheme has been implemented in accordance with the approved details.

REASON: In the interests of the amenities of the area.

- 6** This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Application form received on 20 June 2012; Letter/Planning Statement received on 20 June 2012;

Plan Ref: Site Location Plan received on 20 June 2012; Plan Ref: CN539-EX received on 25 July 2012; Plan Ref: CN539-100 received on 20 June 2012

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 7** **INFORMATIVE TO APPLICANT:** This permission authorises a Change of Use only

and does not authorise any works or alterations that may require planning permission, Listed Building Consent or Advertisement Consent.

53.b E/2011/1708/FUL: The Pooles Yard, High Street, Ogbourne St George, Marlborough, Wiltshire SN8 1SL

Public Participation

Mr R Iliffe, applicant, spoke in support of the application.

Mr Michael Fowler, agent, spoke in support of the application.

Cllr Timothy George, Ogbourne St George Parish Council, spoke in objection to the application.

The Planning Officer introduced a report which recommended the application be delegated to the Area Development Manager for approval subject to the applicant entering into a S106 agreement as listed in the report. The current poor state of the buildings on the site and the details of the 15 planned dwellings were highlighted.

The Committee then had the opportunity to ask technical questions of the officers. It was noted that the number of affordable houses was one less than requested by the Council's Head of New Housing, but that the number was in line with emerging policy. The ownership of the green space to be created by the developers was raised, and it was stated that it would be available to all village residents, and that ownership would be transferred to Wiltshire Council and, if requested, could then be transferred to the Parish Council.

A discussion also arose over to what extent the Committee had legal authority to give priority for the affordable homes to be occupied by people with a close connection to the village, rather than the wider area of Wiltshire generally.

Members of the Public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Jemima Milton, then spoke in objection to the application.

A discussion followed, where the extension of the development into some greenfield land was raised, and whether it amounted to material harm. The highways impact was discussed, and it was noted there were no objections from Highways officers.

Parish Council involvement in design of the children's play area, and the need for the play area to be constructed as early as possible in the development in the event of permission, was also raised. The Committee further debated whether the negative impact of the development outweighed its positives for the village.

After debate, it was,

Resolved:

That the application be DELEGATED to the Area Development Manager to GRANT planning permission subject to the applicant entering into a S106 legal agreement to secure the affordable housing provision, transfer of land and financial contributions for the maintenance of the play area and the green and financial contributions towards educational provision for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework, to Kennet Local Plan 2011 policies PD1, HC24, HC32, HC35, HC37 and NR7 and to Wiltshire and Swindon Structure Plan 2016 policy C8.

Subject to the following conditions:

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

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

- 2 INFORMATIVE TO APPLICANT:**

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

- 3 No development shall commence on site until all the existing farm buildings, including concrete hardstandings, have been demolished and all of the resulting demolition materials and debris have either been removed from the site or set aside for recycling as part of the construction works. Any materials set aside for recycling and not subsequently used for this purpose shall be removed from the site before any of the dwellings is first occupied.**

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

- 4 Prior to the occupation of any of the dwellings hereby permitted, the silage clamp shall have been removed and its former area restored to grass.**

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

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

REASON: To secure harmonious architectural treatment.

- 6 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local**

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

REASON: In the interests of visual amenity.

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

REASON: To ensure a satisfactory landscaping setting for the development.

- 8 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.**

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 9 All development shall be carried out in full accordance with the recommendations of Section 4 of the submitted ecological Biodiversity Assessment (Lindsay Carrington, September 2010), unless otherwise agreed in writing with the Local Planning Authority.**

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 10 None of the dwellings hereby permitted shall be first occupied until a 2m wide footway has been provided over the frontage of the site in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.**

REASON: In the interests of highway safety.

- 11 None of the dwellings hereby permitted shall be first occupied until the visibility splays detailed on plan number 091204-32 B have been provided. The splays shall be kept free of obstruction above a height of 200mm above carriageway level at all times.**

REASON: In the interests of highway safety.

- 12 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and**

approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include: (a) infiltration test to determine the site specific infiltration rate and to confirm that groundwater levels will not interact with the proposed drainage scheme, and; (b) details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the drainage scheme.

13 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (A) A preliminary risk assessment which has identified: (i) all previous uses; (ii) potential contaminants associated with those uses; (iii) a conceptual model of the site indicating sources, pathways and receptors, and; (iv) potentially unacceptable risks arising from contamination at the site.
- (B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (C) The results of the site investigation and detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: Although generic remedial options are available to deal with the risks to controlled waters posed by contamination at this site, further details will be required to ensure that risks are appropriately addressed.

14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To protect local water interests from pollution.

- 15 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of the dwellings at plots 1 to 7.

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

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending 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 erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 18 The windows and doors to be used in the development hereby permitted shall be of timber construction and shall be permanently so maintained.

REASON: In the interests of the visual amenity.

- 19 **INFORMATIVE TO THE APPLICANT:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 20 **INFORMATIVE TO THE APPLICANT:**

The Highway Authority will seek to adopt the road leading into the site as public highway.

- 21 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref.

091204-26, 091204-27, 091204-28, 091204-29, 091204-30 and 091204-31 received

08/12/11;

091204-102 A received 09/01/12;

091204-22 D, 091204-25 A, 091204-32 B, 091204-33, 091204-34 and 091204-35 received 11/05/12;

2417/3 rev A received 23/05/12

In addition, the Committee requested that priority for occupation of the affordable units of the development should if possible be given to persons with a close connection with Ogbourne St George in the first instance, and if possible this restriction should apply to subsequent occupations.

53.c E/2012/0408/FUL: Darrells Farm, Ramsbury, SN8 2HL

The application was withdrawn prior to the commencement of the meeting.

53.d E/2012/0318/FUL: Land at Oaklands, 6 Oak Lane, Easterton SN10 4PD

Public Participation

Mrs Edith Jenssen spoke in objection to the application.

Mr Roberet Trevis spoke in objection to the application.

Mr Tim Watts spoke in objection to the application.

Mr Richard Cosker, agent, spoke in support of the application.

Mr Chris Mastin-Lee spoke in support of the application.

Mr Mike McPherson spoke in support of the application.

Cllr Chris Saunders, Chairman, Easterton Parish Council, spoke in objection to the application.

The Planning Officer introduced a report which recommended the application be delegated to the Area Development Manager to approve subject to the applicant entering into a S106 agreement as detailed in the report. It was stressed that the site was a separate infill plot from that of the neighbouring thatched cottage, and that the roadside boundary and landscaping would be maintained. The key considerations included the principle of development and the impact on the character and appearance of the surrounding conservation area, which officers deemed acceptable.

The Committee then had the opportunity to ask technical questions of the officers, and the definition of an infill plot was sought.

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

The Local Member, Cllr Lionel Grundy, then spoke in objection to the application.

A debate followed, where the impact on the nearby Grade II* listed building was highlighted, and the cumulative impact of this development and the others that had previously taken place adjacent on the appearance of the conservation area was assessed. The objections of the Council's Conservation Officer were also noted and debated.

After discussion, it was,

Resolved:

To REFUSE Planning Permission for the following reasons:

- 1. The proposed development would harm the setting of Kestrels, a Grade II* listed building. As such it would be contrary to policy PD1 (B3 & B7) of the adopted Kennet Local Plan 2011, Core Policy 58 of the emerging Wiltshire Core Strategy and government policy contained in Section 12 of the National Planning Policy Framework 2012.**
- 2. The proposal would constitute an overdevelopment of the site which would contribute to the cumulative gradual erosion of the rural character of this part of the conservation area. As such it would be contrary to policy PD1 (B2, B3 & B7) of the adopted Kennet Local Plan 2011, Core Policy 58 of the emerging Wiltshire Core Strategy and government policy contained in Section 12 of the National Planning Policy Framework 2012.**
- 3. The design of the proposed dwelling does not draw on the local context and is not complimentary to the locality. As such it would fail to enhance local distinctiveness and would be harmful to the character and appearance of this part of the conservation area. The proposals are therefore contrary to policy PD1 (B2, B3, B7, B8 & B9) of the adopted Kennet Local Plan 2011, Core Policy 57 of the emerging Wiltshire Core Strategy and government policy contained in Section 7 of the National Planning Policy Framework 2012.**

54. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 8.10 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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

EASTERN AREA PLANNING COMMITTEE

INDEX OF APPLICATIONS ON 11/10/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
6a	E/2011/1572/LBC	Baydon Manor, Marrison Hill, Ramsbury, Wiltshire, SN8 2HG	Total Demolition of Winter Garden	Refusal
6b	E/2012/0854/LBC	7 The Green, Aldbourne, Marlborough, SN8 2BW	Retention of 15 Photovoltaic panels on existing south facing roof	Refusal
6c	e/2012/1047/OUT	Dairy House, Puckshipton, Beechingstoke, Pewsey SN9 6HG	Demolition of part of formal dairy building and conversion and alterations to remaining building to form 2 no. three bedroom and 1 no. two bedroom dwellings	Refusal
6d	E/2012/0923/FUL	Bridewell Street (A4), Marlborough, Wilts	Alteration to existing boundary walls and gates to facilitate the installation of a puffin pedestrian crossing	Permission
6e	E/2012/1121/LBC	Bridewell Street (A4), Marlborough, Wilts	Alteration to existing boundary walls and gates to facilitate the installation of a puffin pedestrian crossing	Permission
6f	E/2012/0987/FUL	1 South Street and The Old Forge, Aldbourne, Wiltshire SN8 2DW	Demolition of existing rear extension and erection of two storey rear extension to 1 South Street and The Old Forge. Erection of rear outbuilding and change of use of ground floor and first floor at 1 South Street to tea rooms, library and community space.	Permission
6g	E/2012/0986/LBC	1 South Street and The Old Forge, Aldbourne, Wiltshire SN8 2DW	Demolition of existing rear extension and erection of two storey rear extension to 1 South Street and The Old Forge and internal alterations.	Permission

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	11 th October 2012
Application Number	E/2011/1572/LBC
Site Address	Baydon Manor, Marridge Hill, Ramsbury, Wiltshire, SN8 2HG
Proposal	Total Demolition of Winter Garden
Applicant	Mr & Mrs Stibbard
Town/Parish Council	Ramsbury
Grid Ref	428735E 174837N
Type of application	Listed Building Consent
Case Officer	Pippa Card

Reason for the application being considered by Committee

The application has been brought to committee at the request of the Division Member, Councillor Humphries.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

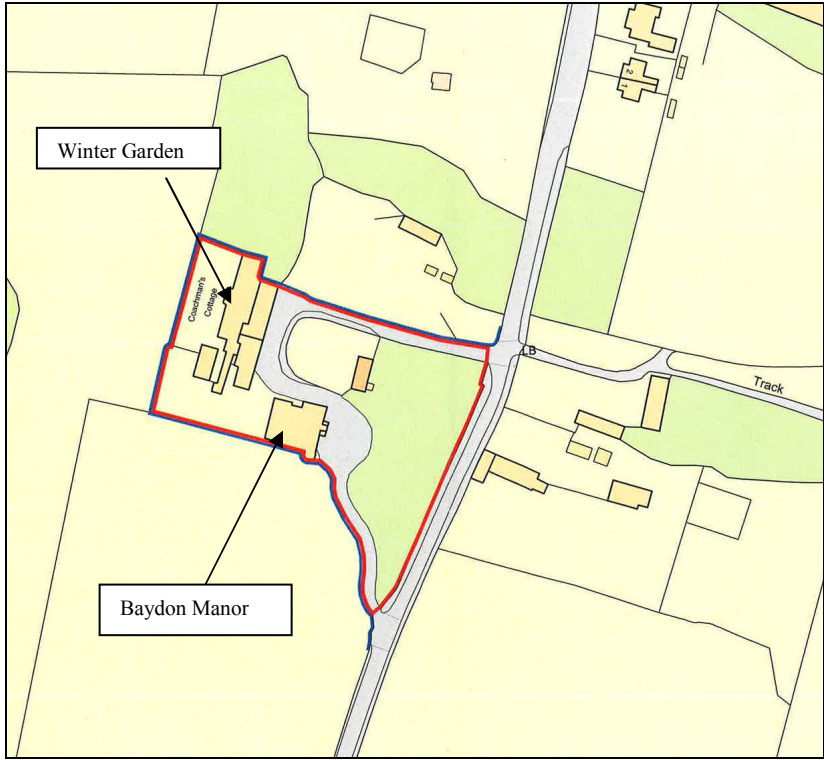
The main issue to consider is whether the total demolition of this listed building is justified.

3. Site Description

The application relates to The Winter Garden, which is a grade II listed conservatory located within the grounds of Baydon Manor (itself Grade II listed). The list description dates the building circa late 19th century although it is now acknowledged to date from 1913-1916, by the firm Messengers & Co. Built with a brick base and glazed timber windows above, the building has cast iron trusses. It backs onto barn-type buildings and shares a rear brick wall with these buildings. The hipped roof has a raised ridge with clerestory lights and small finials at each end. The interior is a 17-bay roof with cast-iron trusses with ornate openwork spandrels and fine detailing, such as the moulded dentilled cornice. There is a wide 3-bay alcove on the rear [east] wall with fluted cast-iron posts and fireplace on the west front in wide inglenook with small ball pendants. To the south is a lean-to style structure, similarly constructed, which was a vinery of the same date and provides the means of access to this substantially larger rectangular building.

The building has been disused and neglected for many years, resulting in its current poor state of repair.

The structure stands to the north-west of Baydon Manor, a substantial country house dating from the C19 in a good state of repair.



*Site Location – Baydon Manor and its Winter Garden,
to the west of Manor Lane, Marring Hill.*



4. Relevant Planning History

E/10/1252/LBC – Total demolition of Winter Garden. REFUSED.

K/43873 & K/43876/L – Proposed alterations, conversion and extension of Winter Garden to form a single dwelling. REFUSED.

5. The Proposal

To totally demolish the early 20th century Winter Garden.

6. Planning Policy

The National Planning Policy Framework outlines Government policy, including its policy on the historic environment.

The PPS5 Practice Guide is still extant, providing guidance on making changes to Heritage Assets.

7. Consultations

Ramsbury & Axford Parish Council – SUPPORT.

English Heritage – OBJECTION – ‘This is a resubmission of a previous proposal to demolish the grade II listed Winter Garden/Conservatory at Baydon Manor. We understand that the previous application was refused. PPS5 states that *substantial harm or loss of a grade II building....should be exceptional*. We advised that the demolition of this structure was not justified in terms of PPS5 and whilst some more information has been submitted we still maintain this view and **object** to this application.

The marketing information submitted to the Council in June 2012 was passed to English Heritage, on which they commented the following: ‘Thank you for the additional information. Whilst this information may demonstrate that there is little commercial interest in the site at this point in time it does not address the other issues set out in our letter. For example, the lack of maintenance, the fact that there is no public benefit etc.’

Wiltshire Archaeological and Natural History Society (WANHS) – OBJECTION – The Winter Garden has been neglected but is still a very valuable and recoverable heritage asset: the repair and refurbishment is a practical and sound economic proposal. The structure is a unique and important part of the history of Baydon Manor and it should be subject to immediate restoration. Due to the lack of protection and maintenance of the listed structure over many years, and the fact that the cast iron structure and boundary walls etc are architecturally unique and serviceable, WANHS **objects** most strongly to the proposed demolition or destruction of this Winter Garden.

Council for British Archaeology – Endorse the view of their agents, WANHS, above and consider the structure to be a building at risk and state that ‘the archaeological significance of the winter garden lies in its ability to inform our understanding of the turn of the (20th) century country house and the leisure facilities valued and utilised by its inhabitants. It is a vital component of the totality of the heritage asset at Baydon and should not be allowed to simply weather and decay.’ The CBA urges the local authority, with enforcement action if necessary, to ensure the survival of this unique and special part of Wiltshire’s historic environment.

The Victorian Society – OBJECTION – ‘The Victorian Society **objects** to the application, on the grounds that the substantial harm to the listed building has not been adequately justified under PPS5. The conservatory is of unusual size and its inglenook fireplace adds to its interest. Its Grade II listed is well deserved. It is in poor condition but repair is possible, albeit expensive....We recommend that you **refuse consent**. The demolition of the conservatory would be a tragic loss to the architectural heritage of Wiltshire.’

The Society for the Protection of Ancient Buildings (SPAB) – OBJECTION - ‘Although the date of this building places it outside the SPAB’s period of particular interest, we are very concerned that demolition is proposed. Demolition of a listed building is rarely acceptable and we trust that your authority will assess the application against the strict criteria of PPS5 HE9 where there is a “presumption in favour of the conservation of designated heritage assets”.’

SAVE Britain’s Heritage – OBJECTION – ‘The proposal would result in the destruction of a Grade II listed structure of considerable architectural merit; an unusually large conservatory, or winter garden, with a number of significant features, including a vaulted roof, frieze mouldings and an inglenook fireplace.....We consider that the tests laid down under PPS5 have not been met and that the application is therefore contrary to national policy. We recommend that you **refuse** consent.’

The Walled Garden History Network – OBJECTION – ‘feel most strongly that this unique relic should be spared at all costs. I have rarely seen anything still standing in a private garden of that size and splendour, in 30 years of kitchen garden travels. Messenger houses were built to last but I suspect that most examples of a similar size, unless in public gardens, have been destroyed by now..... I understand that maintenance at Baydon has been lacking for a number of years and that the present owners have no desires to keep it.’

8. Publicity

The application has been advertised with a press and site notice. No representations have been received.

9. Planning Considerations

Please note that there has been a change in Government legislation since the submission of this application: PPS5 was replaced by the NPPF in March 2012 - however, PPS5 was relatively recently formulated and the government’s general approach to the historic environment has been carried forward within the new framework. The PPS5 Practice Guide is still extant.

Background

The future of the Winter Garden has been subject to various discussions with English Heritage, Kennet District Council and Wiltshire Council since 2005. Demolition of the structure had not been discussed, until the submission of the previous application E/10/1252/LBC, which was refused.

The current application contains slightly more information than the previous application, including estate agents’ valuations for the site as a whole and some information on the costs of repairs. During the time the application has been ‘live’, the structure has been advertised on The Walled Garden History Network’s notice board for approximately three months, to see if there is any interest from a third party of dismantle the structure for its erection elsewhere in the country.

This application should not be viewed in isolation but also within the context of the site as a whole i.e. the impact of the structure’s removal from its context and history as part of Baydon Manor.

Assessment

The report which accompanies the application maintains that the only distinctive feature of the structure is the Winter Garden’s size. However, it is not considered that this is the case, a view supported by English Heritage and the various amenity societies who have made representations. Whilst the size of the building is one of its important features, it is also an ornate structure of high quality design by a nationally significant foundry. It has played an important role in the history of Baydon Manor, providing a space for various uses and activities, including a winter garden, ballroom and games room. The conservatory constitutes a rare survival of its type and era and remains relatively intact, other than the addition of asbestos sheet roofing for blackout following its requisition during the war.

The building is in a poor state of repair and has not been in use for a number of years. There are a number of broken or missing panes of glass from the timber framed walls/windows and roof

(seen beneath the asbestos sheeting) and missing sections of timber. Whilst access to the interior was not available, it is clear that there is substantial damage to the suspended timber floor and to plasterwork from water ingress. Vegetation growth to the exterior is exacerbating these issues. Asbestos sheeting added during the war remains in situ on the roof and there would appear to have been little in the way of repairs carried out since that period. Officers are unaware of any evidence to suggest that attempts have been made to stem decay or provide interim protection to the main building during the period of ongoing discussions with the authorities regarding its future (for example by clearing vegetation from the exterior). English Heritage have expressed concerns over the condition of the winter garden and its deterioration since their visit to the site in 2007, referencing AKS Ward's report (accompanying the application) that 'the building has suffered from being derelict for many years with **no maintenance evident**'. NPPF paragraph 130 states that 'where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision', and it is considered that this paragraph is a relevant consideration in this particular case.

Government policy contained in the NPPF sets out the presumption to be made in favour of the conservation of designated heritage assets (including listed buildings) and requires that any harm to the significance of a heritage asset, its fabric or its setting should be weighed against the wider public benefits of the proposal. Paragraph 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional'.

The proposal should be assessed against Paragraph 133 which states that 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

It is clear that there is no public benefit from the total demolition of this designated heritage asset and Paragraph 133 therefore requires that all four of the alternative tests are satisfied. There is no evidence that the continuing presence of the structure is preventing reasonable use of the wider site and, in the event of its demolition, the site would merely revert to garden and there would be no benefit from this course. Points 1 and 4 are therefore not met.

The report accompanying the application concentrates on justification in the terms of points 2 and 3 which refer to marketing of the site and conservation via grant funding or charitable/public ownership. Two valuations, with and without the repair of the conservatory are presented to show a conservation deficit. During the time the application has been 'live', the structure has also been advertised on The Walled Garden History Network's notice board for approximately three months, to see if there is any interest from a third party to dismantle the structure for its erection elsewhere in the country. The valuations are supported by an assessment by a structural engineer and costed repair specifications. Letters have been written to the parish council and HLF requesting grant funding.

Whilst it is understood that the owners do not wish to sell the property, government policy set out

in the PPS 5 Practice Guide (Paragraph 96) requires active and comprehensive marketing for a range of uses in order to demonstrate redundancy. Although the current owners may not have the resources to repair the building a future owner may. In this case, the repair specifications relied upon to inform the valuations are extensive, including complete replacement of all timberwork – whereas it would be surprising if no elements could be salvaged. More limited options, including proposals for temporary holding works to stabilise and make safe whilst alternative uses/owners or funding sources are sought have not been considered. It should be noted that policy (Paragraph 96) requires that loss of value from deterioration due to deliberate neglect should not be taken into account in calculations of value etc. In addition, English Heritage’s comments query whether the most appropriate potential sources for grant funding have been approached for assistance and note that demolition and site clearance itself will incur not insignificant costs – which could alternatively be put towards maintenance of the building.

Overall, it is considered that insufficient evidence has been presented to show that there are no further options for achieving the repair and retention and use of the structure and the criteria for allowing the complete demolition of a heritage asset set out in the NPPF paragraph 133 are therefore not met.

A further consideration is the close historical association which the building has with the main manor house and the proposal to demolish the winter garden will harm the setting of Baydon Manor.

10. Conclusion

This surviving historic structure is unique in its size and rarity of survival and is an important structure within the curtilage of Baydon Manor. Despite its current condition, the Winter Garden is a principal listed building and its building type, character and its social history are part of its special interest.

The practice guide accompanying PPS5 makes clear the seriousness of such a decision. Demolition of the heritage asset should be considered to be the last resort, after all other options to secure the viable future of the asset have been exhausted as, if approved, it results in a permanent and total loss of the heritage asset and the decision is therefore irreversible. In this case, the proposals would result in the total loss of the winter garden and would also diminish the setting and historic interest of Baydon Manor.

No case has been established to indicate that the building cannot be repaired (even to halt the current level of deterioration) and the material submitted does not provide sufficient justification to override the presumption in favour of the preservation of the listed building. It is therefore considered that the demolition of the Winter Garden conflicts with the NPPF Section 12, which deals with conserving and enhancing the historic environment.

RECOMMENDATION

That listed building consent be REFUSED for the following reasons:

1. The proposal would result in the loss of a designated heritage asset, for which no adequate justification has been provided. As such, the proposal is contrary to Government policy contained in Section 12 of the National Planning Policy Framework.
2. The proposal would result in the loss of a significant element within the setting of the Baydon Manor, a designated heritage asset. As such, the proposals are contrary to Government policy contained in Section 12 of the National Planning Policy Framework.

Appendices: None

Background Documents Used in the Preparation of this Report: None

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	11 th October 2012
Application Number	E/2012/0854/LBC
Site Address	7 The Green, Aldbourne, Marlborough, SN8 2BW
Proposal	Retention of 15 Photovoltaic panels on existing south facing roof
Applicant	Mr Ashley
Town/Parish Council	Aldbourne
Grid Ref	426426E 175729N
Type of application	Listed Building Consent
Case Officer	Pippa Card

Reason for the application being considered by Committee

The application has been brought to committee at the request of the Division Member, Councillor Humphries.

1. Purpose of Report

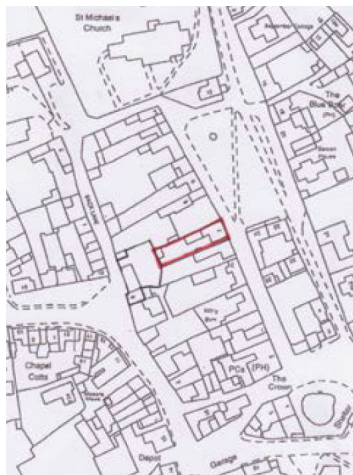
To consider the recommendation that the application be refused.

2. Report Summary

The main issue to consider is the impact of the proposal on the listed building.

3. Site Description

No.7 The Green is a grade II listed building that dates from the late 18th century/early 19th century. Mainly built of sarsen laced with brick, the front elevation is rendered brick with a raised brick platband. An historic, long, rear wing is also built of stone with brick surrounds to openings. No.7 is located in a prominent location on The Green within the Aldbourne Conservation Area and forms part of an important group of listed buildings surrounding The Green.



Site Location – 7 The Green, located to the SW corner of The Green, Aldbourne

4. Relevant Planning History

E/2012/0329/LBC – Retention of 18 photovoltaic panels installed on roof of historic rear wing. REFUSED.

5. The Proposal

To retain 15 photovoltaic panels on the rear wing south elevation.



6. Planning Policy

The National Planning Policy Framework outlines Government policy, including its policy on the historic environment.

The PPS5 Practice Guide is still extant, providing guidance on making changes to Heritage Assets.

The Aldbourne Conservation Area Statement provides supplementary planning guidance.

7. Consultations

Aldbourne Parish Council – OBJECTION – Our comments on the previous application (E/2012/0329/LBC) were made on the basis that the solar panels would not be visible from any other property. This is clearly not the case and they are considered obtrusive to neighbouring properties and incompatible with a listed building.

8. Publicity

The application has been advertised with a press and site notice. One representation of objection has been received from the neighbours at 5 The Green. These neighbours raises strong concerns over the potential for a precedent to be set on listed buildings throughout Wiltshire; the solar panels are entirely inappropriate for a listed building; they have a damaging effect on the conservation area; the listed building is not just a frontispiece for The Green; reducing the number of panels by three will not reduce their visual impact.

9. Planning Considerations

Background

Site - No.7 The Green is a grade II listed building that dates from the late 18th century/early 19th century. An historic, long, rear wing is also built of stone with brick surrounds to openings. No.7 occupies a prominent location on The Green within the Aldbourne Conservation Area and forms part of an important group of listed buildings surrounding The Green. However, whilst primarily listed for its contribution to this group, the building's significance is not confined to its front. To the rear of the street, the scale, proportions and vernacular / materials detailing of No.7 and neighbouring properties, contribute significantly to the special interest of the individual buildings and area.

The 18 photovoltaic panels were fitted to the rear roof slope in early 2012, without the benefit of listed building consent. The previous application, E/2012/0329/LBC, to retain all 18 panels, was refused and to date has not been appealed. The current application is a resubmission, albeit with a slightly amended scheme, removing 3 panels from the roof. The panels appear to have been fitted as per the information provided within the application.

Assessment

The NPPF introduces a presumption in favour of sustainable development, with the need to protect and enhance the natural, built and historic environment seen as an essential element alongside economic and social concerns. As well as the general policies being relevant, the specific policies for conserving and enhancing the historic environment, as set out in section 12, also need to be considered. The need to balance competing needs against each other is identified and Paragraph 98 advises that local planning authorities should, when determining planning applications [for renewable energy developments], "approve the application if its impacts are (or can be made) acceptable...." **"unless material considerations indicate otherwise"**. The impact on the listed building, its fabric and setting are identified as material considerations in section 12.

The photovoltaic array has been fitted directly onto a plain clay tiled roof, which can clearly be seen within the application site and from neighbouring properties. The visual contrast between the two materials, i.e. natural orange clay tiles and the shiny black panels, is significant. The hard lines and stark, engineered, appearance of the panels is wholly out of character with the mellow appearance of the existing natural materials and it is considered that the panels create an alien and obtrusive feature which has a negative impact on the building and its surroundings, which include other listed buildings.

The site location is within the Aldbourne Conservation Area. It is recognised that the site is relatively discreet and not highly visible from publicly accessible views but significant public views are not needed in order for there to be intrinsic harm caused to the individual heritage asset itself, to the setting of neighbouring assets and to the character or appearance of the area.

It is noted that the agent, in the supporting information, has gone through the various 'tests' suggested by English Heritage in their document *Microgeneration in the Historic Environment* (2008). However the conclusion reached, that the panels have only a minor impact is challenged. The "minor visual impact" considered to be acceptable in English Heritage Guidance is such as might occur in the case of panels which are substantially hidden from view, within roof valleys or behind parapets (evidenced by the examples provided). The obtrusive impact of a fully visible array of panels is quite different and it is considered that the installation results in an unacceptable loss of special interest of the listed building.

There are strong concerns that if the application is approved, a precedent would be set to allow similar arrays of photovoltaic panels on other listed buildings throughout Wiltshire.

The primary justification lies in the enhanced sustainability of renewable energy likely to be provided by the installation. This would produce both private and public benefits but the latter would not be sufficient to outweigh the harm to the special interest of the listed building. The NPPF reinforces the requirement to seek all other options for improving energy before more damaging solutions are proposed, i.e. a more efficient boiler, ground/air source heat pumps, secondary glazing, under floor and loft insulation etc. In this case, there appear to be other, additional, less visually damaging options open to the applicants that have not been explored. However, the intrinsic importance of the designated heritage asset may mean that some inefficiency in energy use for the main listed house might be inevitable.

The position set out above is supported in recent appeal history and examples of decision notices relating to similar proposals which have been dismissed are appended.

It is also considered important to note that upon viewing the panels, the Parish Council has changed its opinion of the scheme from 'acceptable with concerns over a precedent being set' to an 'objection [as the panels] are considered obtrusive to neighbouring properties and incompatible with a listed building'.

10. Conclusion

It is considered that the retention of 15 photovoltaic panels will have a significant visual impact which will diminish the special interest of the listed building, including its character and setting. The energy saving benefits that may be derived from the panels are not considered to outweigh the harm that would be caused to the listed building. In addition, the precedent set by the approval of the application could have far-reaching consequences for Wiltshire's historic environment.

RECOMMENDATION

That listed building consent be REFUSED for the following reason:

- 1 The retention of 15 photovoltaic panels on the roof of the rear wing of the primary listed building, by virtue of their design and appearance, would introduce incongruous features to the building's roof. As a result, the proposal would have a harmful impact on the significance of the designated heritage asset and its setting. No evidence has been provided to illustrate other less intrusive options that should have been considered or to indicate that the alterations are necessary to achieve a public benefit which would offset the harm caused. The proposal therefore conflicts with policies contained in the National Planning Policy Framework.

Appendices:

Appendices A & B – Appeal Decisions

Background Documents Used in the Preparation of this Report:

None



Appeal Decisions

Site visit made on 30 April 2012

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2012

Appeal A - Ref: APP/Z1510/E/12/2171099

Orchard House, Alphamstone Road, Lamarsh, Bures, CO8 5ES

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Nigel Morgan against the decision of Braintree District Council.
 - The application Ref 11/01481/LBC, dated 31 October 2011 was refused by notice dated 22 December 2011.
 - The works proposed are: Installation of PV panels for nominal 4kw system on shed at rear of property facing south and invisible from public road and adjacent properties. Shed is 6.1m x 4.4m (ie less than 30sqm).
-

Appeal B - Ref: APP/Z1510/A/12/2171604

Orchard House, Alphamstone Road, Lamarsh, Bures, CO8 5ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Morgan against the decision of Braintree District Council.
 - The application Ref 11/01480/FUL, dated 31 October 2011 was refused by notice dated 22 December 2011.
 - The development proposed is: Installation of PV panels for nominal 4kw system on shed at rear of property facing south and invisible from public road and adjacent properties. Shed is 6.1m x 4.4m (ie less than 30sqm).
-

Decisions

1. Both Appeals A and B are dismissed. Listed Building Consent and Planning Permission are refused for the Installation of PV panels for a nominal 4kw system on a shed at the rear of the property facing south and invisible from the public road and adjacent properties. The shed is 6.1m x 4.4m (ie less than 30sqm).

Main issue

2. The main issue in both appeals is the effect of PV panels on the listed outbuilding and on the setting of Orchard House itself.

Reasons

3. In considering whether to grant planning permission and listed building consent, and in accordance with sections 66(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the listed building or its setting or any features or special architectural or historic interest.

4. The relevant development plan policies are Core Strategy Policy CS9 (Built and Historic Environment) and Braintree District Local Plan Policies RLP76 (Renewable Energy); RLP90 (Layout and Design of Development) and RLP100 (Alterations and Extensions and Changes of Use to Listed Buildings). Since the appeal was submitted, a major change has also been made in relation to Government Policy. The National

Planning Policy Framework (NPPF) has been issued and these policies carry significant weight as material considerations in relation to planning decisions. The NPPF introduces a presumption in favour of sustainable development. As well as the general policies being relevant, the policies for conserving and enhancing the historic environment, as set out in section 12, also need to be considered.

5. The 19th century appeal building is listed by virtue of it being within the curtilage of the Grade II Orchard House and built before 1948. It is a simple rectangular, detached outbuilding and is constructed from red brickwork with a steeply pitched green painted corrugated iron roof. It is relatively close to the main house and still contributes positively to the group of former farm buildings to the south.

6. Having viewed the appeal building from both within the site and from the field, I accept that the PV panels would not be seen from any significant public viewpoint. I also acknowledge that the proposed development would, in energy terms, be sustainable and that it would accord with one of the aims of Policy RLP76 in encouraging renewable energy generation. However, I share the Authority's concerns about its specific impact on the appeal building and the setting of the main house.

7. In my view the panels would result in an alien and obtrusive feature on the roof and to the rear of this attractive small building. Despite the fact that the panels would be on the south side and facing the field, they would detract markedly from the overall appearance of the host building and from the setting of the main house. The lack of any meaningful public viewing point, or even the complete visual screening of any works, cannot be justification for alterations and additions which still cause visual harm to our heritage assets.

8. I consider that in this case the harm is 'demonstrable' in that the form, shape, material, design and colour of these modern and stark panels would be completely out of character with the weathered rustic brickwork and the corrugated sheet roofing. To grant permission for this installation, even in this visually restricted location, could set a precedent whereby the authority had difficulty resisting other similar harmful additions to listed buildings.

9. I have taken into account the energy saving benefits of the proposal as set out in Annex 1 to the Grounds of Appeal, as well as the points made in relation to the PV panels being likely to be of a temporary, rather than a permanent nature. However, I do not consider that these benefits outweigh the detrimental effect that the installation would have on this small simple building and on the setting of the main house. I have also taken into account the comments made in Annex 2 with regard to the alternative suggestions. However, these do not alter my view that the proposal would be harmful to the listed building and, therefore, that planning permission and listed building consent should not be granted.

10. In conclusion I find that this particular proposal is contrary to development plan policies CS9 and RLP100. In this case the material considerations, including the NPPF policies and the presumption in favour of development, do not outweigh the adverse impact of the effect of these PV panels on this listed building. None of the other matters raised in support of the proposal carry sufficient weight to alter my conclusions and nor is any other matter of such significance so as to change my decision.

Anthony J Wharton

Inspector



Appeal Decisions

Site visit made on 8 February 2012

by David Morgan BA MA (IoAAS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 February 2012

**Appeal no. 1: Appeal Ref: APP/F1230/E/11/2163116
Baglake Farm, Litton Cheney, Dorchester, Dorset DT2 9AD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Robin Barbour against the decision of West Dorset District Council.
 - The application Ref 1/D/11/001107, dated 12 April 2011, was refused by notice dated 29 September 2011.
 - The works proposed are to erect 18 no. photovoltaic panels on the roof of a building attached to the house and within the curtilage of the property. Each panel is 1.0m X 1.5m so the array is 9.0m long by 3.0m high and sits less than 150mm above the existing roof covering.
-

**Appeal no. 2: Appeal Ref: APP/F1230/A/11/2163117
Baglake Farm, Litton Cheney, Dorchester, Dorset DT2 9AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Robin Barbour against the decision of West Dorset District Council.
 - The application Ref 1/D/11/000602, dated 12 April 2011, was refused by notice dated 29 September 2011.
 - The development proposed is to erect 18 no. photovoltaic panels on the roof of a building attached to the house and within the curtilage of the property. Each panel is 1.0m X 1.5m so the array is 9.0m long by 3.0m high and sits less than 150mm above the existing roof covering.
-

Decision

1. Both the appeals are dismissed.

Main Issues

2. These are, in respect of both appeals, a) whether the proposed works and development would preserve the setting of the Grade II* listed building known as Baglake Farm and b) whether they would preserve the character or appearance of the Litton Cheney Conservation Area.

Reasons

3. Baglake Farm is an imposing farmstead dating from the C17th, with probably later stabling, cartshed and enclosing walls. The historic complex, still part of a working farm, whilst avoiding any sense of overt restoration, expresses an air of understated, though meticulous care and sound guardianship that credits the appellants. This approach is evident in the wing physically attached to the house to which the photovoltaic panels would be located, which, although

- relatively recently extended by an upper storey, successfully engages with the buildings of which it forms a part.
4. The proposals seek the installation of 18 photovoltaic panels on the southern roof pitch of the play room annex immediately to the west of the main house. They would cover an area of approximately 27 square metres and cover over half the existing slate roof area of the southern pitch. The panels would sit approximately 120mm proud of the existing roof plane.
 5. The photovoltaic panels, because of their crisp profile, machined lustrous and uniform finish and degree of projection from the plane of the roof, would stand in awkward and dissonant contrast to the softer textures and colours of the natural materials cladding the roof and the integrity of its form, and those of the adjacent listed buildings. Whilst the appellant is right that the panels may only be viewed at close quarters by visitors to the house, this does not mitigate their deleterious effect on the character, special interest and significance of the building. Moreover, the panels would be seen very obliquely from the public bridal way to the north and in more open and contextual perspective from views from along the lane also from the north. Here again the hard, machined and alien character of the panels would be seen in dissonant contrast with the traditional form, detailing and materials of the historic farm group.
 6. Such an outcome would fail to preserve setting of the Grade II* listed building and the group of which it forms a part, the desirability of which is fully anticipated by the Act; it would also fail to preserve the character and appearance of the conservation area, again anticipated by Section 72 of the Act and contrary to local development plan policies that seek to underpin these national statutory objectives.
 7. The appellant however, is right that there is a collective responsibility to move towards fulfilling the Government's target of renewable energy production by 2020 and the scheme's endeavour in this respect has to be considered a public benefit. Such circumstances are acknowledged through the policies of Planning Policy Statement 5 *Planning for the Historic Environment* (PPS5). The scheme would undoubtedly deliver a renewable energy source, and so contribute to the Government target. However, the specific energy yield from the panels is not set out, and it seems that from area proposed, this is likely to be limited, and consequently not of such a benefit that would outweigh the harm to the special interest of the listed building, to those that form the group of which it is a part, and to the character of the wider conservation area. On this basis the proposals would be contrary to policies HE1.3 and policies HE9.4 of PPS5.
 8. During the site visit the appellant pointed out two photovoltaic installations on dwellings within the conservation area. It was not clear whether these had been approved by the Council and in any event were not related to listed buildings or their settings. For these reasons they may reasonably only be apportioned limited weight as forms of precedent material to this case.
 9. For the reasons given above I conclude that both appeals should fail.

David Morgan

Inspector

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	11 th October 2012
Application Number	E/2012/1047/OUT
Site Address	Dairy House, Puckshipton, Beechingstoke, Pewsey SN9 6HG
Proposal	Demolition of part of formal dairy building and conversion and alterations to remaining building to form 2 no. three bedroom and 1 no. two bedroom dwellings
Applicant	Mr Mark Noble
Town/Parish Council	BEECHINGSTOKE
Grid Ref	409834 158621
Type of application	Full Planning
Case Officer	Victoria Cains

Reason for the application being considered by Committee

This application has been called to committee at the request of the Division Member, Cllr Brigadier Robert Hall.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

This is an outline planning application. The main issues to consider are therefore:

- The principle of residential development in this location;
- Whether the scheme can be considered a rural exceptions site;
- The lack of affordable housing, and
- The impact of the scheme upon protected species and habitats.

3. Site Description

This application relates to the former dairy building at Puckshipton Farm, Puckshipton, Beechingstoke. The building was constructed in the 1950's and as the farm no longer operates as a dairy farm the former parlour unit has become surplus to requirements. The building is part of a wider complex of farm structures and sits at the front of the site facing the roadside.

The site lies within the open countryside of the North Wessex Downs Area of Outstanding Natural Beauty between the villages of Beechingstoke to the north-west and Hilcott to the east. The site can be found by taking the left hand turning to Chirton when heading in an easterly direction on the A342 heading out of Devizes (approximately 4.5 miles). One then travels through the villages of Chirton and Marden. Approximately 0.75 miles after exiting Marden a right hand turning onto Yards Lane can be found. The application site is approximately 500 metres on the right hand side of Yards Lane. Plate 1 shows the site in its wider context and plate 2 shows the application site in relation to the complex of farm buildings.

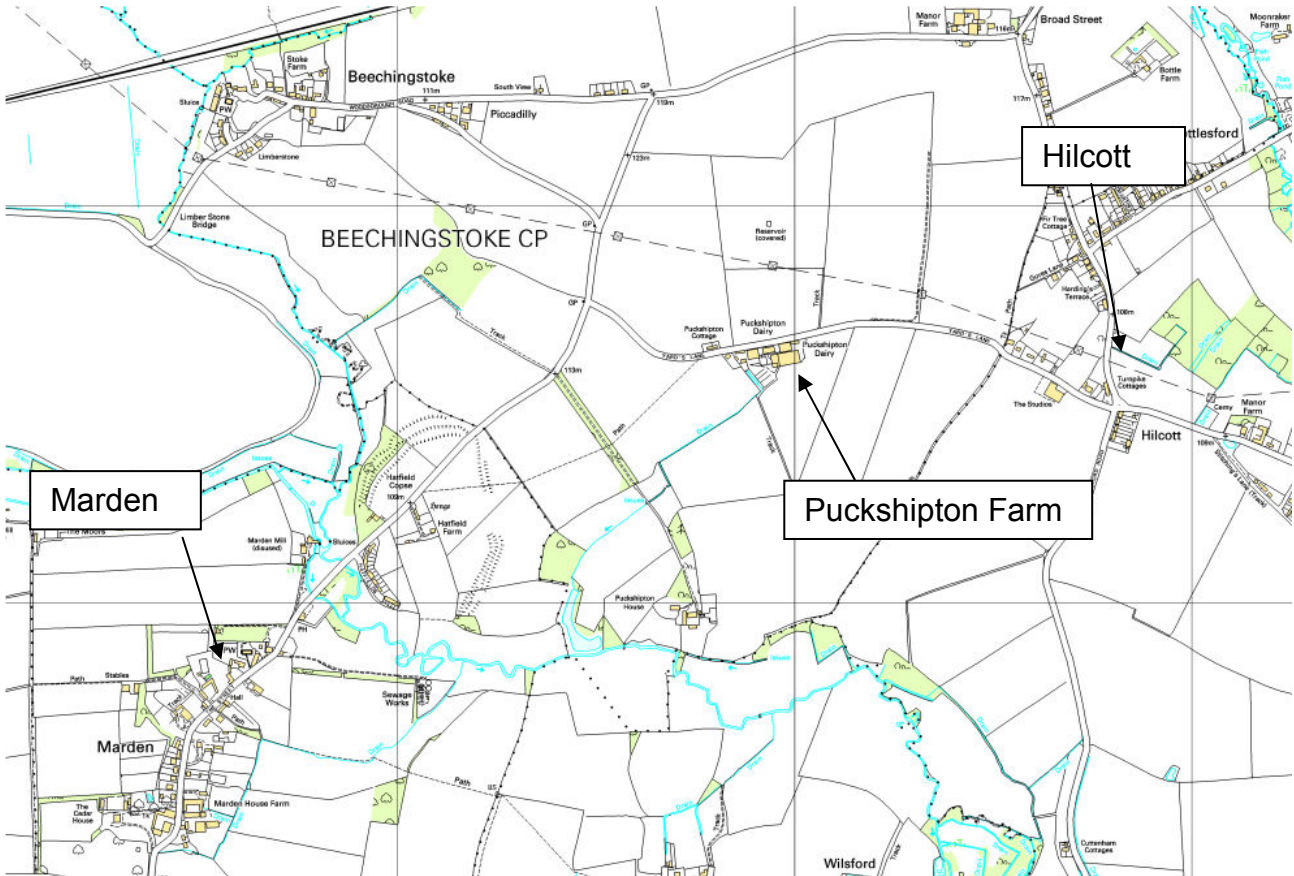


Plate 1: Planning application site location map

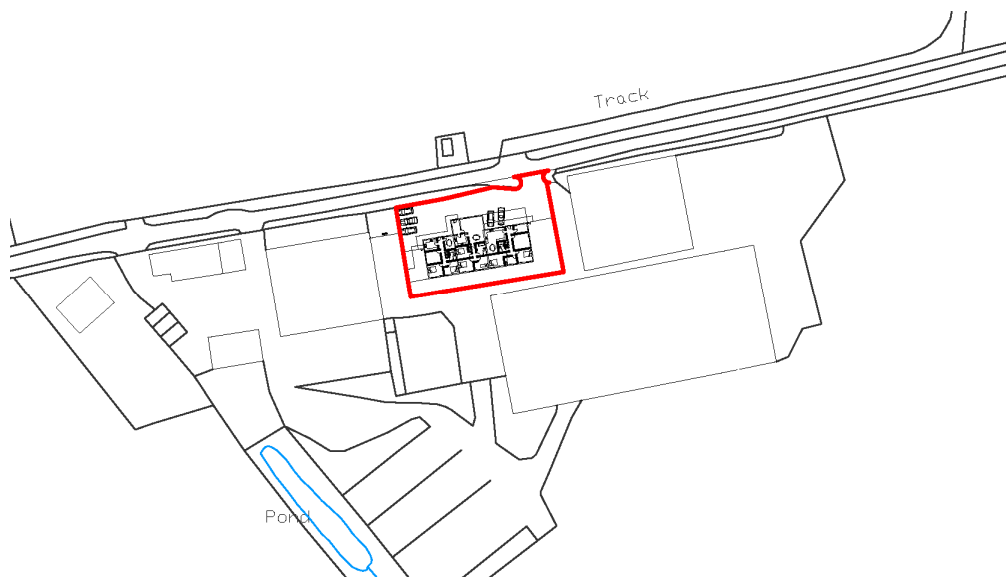


Plate 2: Planning application site



Plate 3: Street view of application site

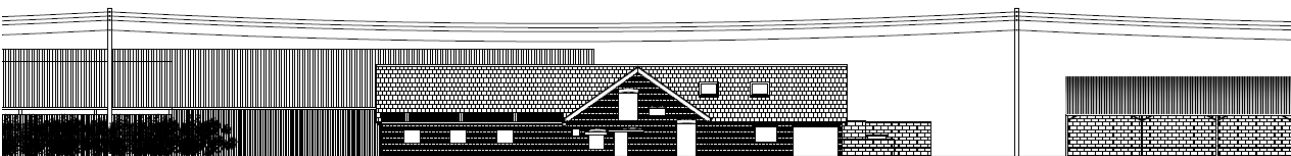
4. Planning History

There is no relevant planning application history. Pre-application advice was provided where the agent was informed that the application was contrary to both national and local planning policy and thus unacceptable in principle.

5. The Proposal

This application proposes to convert the former dairy building to three dwellings (2 x three bedroom and 1 x two bedroom) with associated parking to the front and gardens to the rear. The existing access is to be narrowed and the grass verge reinstated. Plate 4 shows the submitted plans depicting the existing and proposed view from the roadside.

Existing View From Road



Proposed View From Road



Plate 4: The existing and proposed views of the site as seen from the roadside

6. Planning Policy

The National Planning Policy Framework (NPPF) sets out the general planning policy of central government. Of particular relevance to the determination of this application is section 6 regarding delivering high quality homes, section 11 relating to the conservation and enhancement of the natural environment as well as the general emphasis on sustainable development running throughout the document.

Wiltshire and Swindon Structure Plan: DP3 regarding the development strategy for residential development and DP9 regarding the re-use of buildings within the open countryside.

Kennet Local Plan: Policy HC26 regarding housing in the open countryside, policy HC32 relating to affordable housing provision in rural areas, HC33 regarding rural exception sites and Policy PD1 regarding general development and design principles.

Wiltshire Core Strategy Pre-submission Document (February 2012): This holds limited weight at the present time as a material consideration but this weight will strengthen as the document progresses towards adoption (estimated early 2013). The key policies are Core Policy 1: Settlement Strategy, Core Policy 2: Delivery Strategy, Core Policy 18: Pewsey Community Area, Core Policy 43: Providing affordable homes, Core Policy 44: Rural Exception Sites and Core Policy 48: Supporting rural life.

7. Consultations

Wiltshire Council Ecology: No objection but recommends that a condition be added to any permission ensuring that the enhancements for bats and birds will be included within the development as detailed in the ecological report.

Wiltshire Fire & Rescue Service: No objection, general fire safety advice provided.

Wiltshire Council Highways: Recommends that this application be refused on highway grounds for the reasons given below:-

1. The proposed development located remote from services and employment facilities and being not well served by public transport, would be unsustainable in that it would increase the need to travel, especially by car.
2. The proposed development makes inadequate provision for parking within the site and would lead to indiscriminate parking to the detriment of the safety and convenience of users of the development.

The Parish Council have been consulted on this application. At the time of writing this report no response had been received. Any which are subsequently received will be reported verbally.

8. Publicity

No neighbour comments had been received at the time of writing this report. Any which are subsequently received will be reported verbally at the meeting.

9. Planning Considerations

a) The principle of residential development in this location

Puckshipton Dairy lies, in planning terms, within the open countryside. It is situated in a very isolated location between a number of villages which themselves have limited facilities and are of a very small scale and in some cases too small to even accept additional housing themselves (in line with emerging Core Strategy planning policy). The only other dwellings that are close by are a few sporadic former farm worker cottages which one assumes previously related to Puckshipton Farm. Both national and local level planning policy is explicitly clear in that new housing within the

open countryside is to be highly restricted and only to be permitted in exceptional circumstances. Policy HC26 of the Kennet Local Plan states that:

“Outside of the Limits of Development defined for the villages listed in Table H.4 and outside of the existing built up area of the villages listed in Table H.5, new residential development will only be permitted in the following circumstances:

- a) To provide accommodation for the essential needs of agriculture or forestry or other employment essential to the countryside as established in Policy HC27;*
- b) To provide holiday accommodation from the conversion of an existing building; or*
- c) Where the conversion of a listed building to residential use is the only economic means of retaining the historic structure.*

Provided that the development does not affect the character of the local landscape”.

The proposal does not meet any of the above criteria and, as such, is contrary to policy HC26. Your officers do not consider there to be any material considerations to justify overriding the policy position. The emerging Core Strategy (which although has limited weight is a material consideration) does not differ in this policy stance and specifically refers to the reuse of redundant agricultural buildings in Core Policy 48. This states:

“Proposals to convert redundant agricultural buildings for employment and tourism uses will be supported where it satisfies the following criteria:

- i. the buildings have architectural merit, are structurally sound and capable of conversion without major rebuilding, and only modest extension or modification which preserves the character of the original building*
- ii. the reuse would lead to the viable long-term safeguarding of a heritage asset*
- iii. the use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas*
- iv. the building can be served by adequate access and infrastructure*
- v. the site has reasonable access to local services and*
- vi. the use meets identified local needs for employment.*

In exceptional circumstances, where there is clear evidence that employment or tourism uses can not be made viable, residential development may be appropriate where it meets the above criteria and has reasonable access to employment”.

It is again considered that the scheme does not conform to the emerging policy position as the scheme does not meet any of the above criteria. The building is of contemporary construction (1950's) and although of brick construction it is neither listed nor a non-designated heritage asset.

This policy approach is again reiterated at the national level. The golden thread of the NPPF is the presumption in favour of sustainable development. The emphasis for development to be sustainable is reiterated throughout the whole document and heavy emphasis is placed on this. Paragraph 55 of the NPPF specifically states:

“...Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting...”.*

The only criteria that could be considered relevant is the latter point relating to the enhancement of the immediate setting. Although the building is disused and has not been well maintained over the recent years, it is viewed against the backdrop of the group of farm buildings and is a typical agricultural structure found within the rural environment of the AONB. It is a small scale agricultural building within the rural setting and it is neither in a dire state of disrepair or of such

visual harm to its immediate setting within the AONB to justify overriding the established policy thrust. Any enhancement to “tidy” up the site would not override the strong policy objection to three dwellings in such an unsustainable location.

If Members were of the view that the enhancement to the immediate setting was of such a benefit to allow a dwelling in this isolated location in line with paragraph 55 of the NPPF then they are advised that only the minimum number of dwellings (i.e. 1 or possibly 2) to achieve this should be permitted. This is particularly because of the very unsustainable location. However, the preference in policy terms would be for this building to be re-used for employment purposes or holiday accommodation – both through the conversion of the building. Both of these alternative uses would also achieve the same degree of visual enhancement to the immediate setting with the “tidying up” of the building and its grounds, and your officers therefore consider these uses should be explored (as advised at the pre-application stage).

It is also worth drawing members’ attention to a very recent (14th September 2012) appeal decision in the northern part of the county. A proposal for the conversion of a residential annex in the open countryside to a separate dwelling at Hook was refused and dismissed at appeal. In his report, the Inspector states that “The NPPF makes clear that sustainable development has 3 dimensions, 1 of which is a social role which aims to create a high quality built environment with accessible local services. NPPF paragraph 17, while encouraging the re-use of existing resources, states that patterns of growth should be actively monitored to make the fullest possible use of public transport, walking and cycling ... the NPPF [and other saved LP policies] make clear that there is a presumption in favour of sustainable development of which accessibility by public transport, walking and cycling to everyday goods and services is an important consideration”. In this decision statement, the Inspector is clear that development must be sustainably located in line with the NPPF. The application site is significantly isolated from the main settlements and larger villages with the future occupants of the dwellings being reliant on car based travel. This is contrary to all planning policy thrust and the scheme is therefore considered unacceptable in principle.

b) Whether the scheme can be considered a rural exceptions site

The design and access statement refers to the proposed dwellings as being low cost and low energy so as to keep rents as low as possible. The stated intention is to rent these properties out to local residents. A policy context does exist to permit affordable housing in locations that would otherwise be considered unacceptable. Policy HC33 of the Kennet Local Plan and Core Policy 44 of the emerging Structure Plan both permit small groups of housing (less than 10) for affordable housing on sites which would not normally be used for housing. Not only must the housing meet a genuine identified local housing need and be provided through a Registered Provider but the site would also have to be adjacent or well located to an existing settlement and this simply isn’t the case here. The site is not therefore considered to be a rural exceptions site and the development is not considered acceptable for this reason.

c) The lack of affordable housing

Policy HC32 of the Local Plan states that the local planning authority will seek to negotiate the equivalent provision of general market homes and affordable homes on all proposed housing sites in the villages subject to evidence of local housing need. The emerging Core Strategy policy 43 requires all development on sites of 4 dwellings or fewer to provide a financial contribution towards the provision of affordable housing.

However, in this instance and based on the current housing register the demand for affordable housing in this location is weak at the present time. There is therefore no evidence to require an element of affordable housing in line with HC32.

In respect of the Core Strategy and its requirement for a commuted sum, it would be unreasonable and premature to refuse on these grounds at the present time because this plan has not been adopted and holds limited weight as a material consideration. Furthermore, there are outstanding

objections to core policy 43. Your officers do not therefore recommend that the application is refused because of the lack of affordable housing or because of the lack of a commuted sum.

d) The impact of the scheme upon protected species and habitats

The survey of the existing building was carried out within the optimum period for bat activity. No emergence survey was conducted as part of the survey; however, the consultant ecologist has indicated that there are no suitable roosting places within the interior of the building. It is not necessarily agreed that the same can be said of the exterior; however, the available small roosting places that may exist on the exterior would offer opportunistic roosting for individual or very small numbers of bats only. It is therefore considered very unlikely that the conversion of the building would result in significant adverse effects on local bat populations.

The county ecologist has therefore recommended that should permission be granted, a condition requiring the enhancements for bats and birds as detailed in the report by Malford Environmental Consulting to be carried out.

10. Conclusion

This application is clearly contrary to planning policy at all tiers (both adopted and emerging). The site is in an extremely isolated location and is not a sustainable approach to development. The scheme is therefore contrary to policy HC26 of the Kennet Local Plan 2011 and core policies 1 and 2 of the Wiltshire Core Strategy Pre-submission Document (February 2012). Your officers do not consider there to be any material considerations to justify overriding this established policy stance and the application should therefore be refused.

RECOMMENDATION

That planning permission be REFUSED for the following reason:

- 1) The site lies in an isolated location within the open countryside where policy HC26 of the Kennet Local Plan (saved policy) restricts new development to that which is essential to the countryside (e.g. agriculture), holiday accommodation and residential development when it is the only economic means of retaining a listed building. The proposed development of three dwellings does not represent a form of development permitted by HC26 and it is therefore unacceptable in principle.

The guiding principle behind policy HC26 and the local plan is the overarching theme of "sustainable development" which seeks to direct development to the most sustainable locations. This guiding principle to the settlement strategy is reinforced by policy DP3 of the Wiltshire and Swindon Structure Plan as well as policy contained within the National Planning Policy Framework.

The scheme is therefore unacceptable in principle and would be contrary to the guiding principles of sustainable development, setting an undesirable precedent within the area and the county as a whole. The proposal would therefore be contrary to policy HC26 of the Kennet Local Plan, DP3 of the Wiltshire and Swindon Structure Plan as well as the settlement strategy contained within the emerging Wiltshire Core Strategy. The proposal is also contrary to the National Planning Policy Framework which sets sustainable development at the core of national planning policy.

Appendices: None

Background Documents Used in the Preparation of this Report: None

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	11 th October 2012
Application Number	E/2012/0923/FUL
Site Address	Bridewell Street (A4), Marlborough, Wilts
Proposal	Alteration to existing boundary walls and gates to facilitate the installation of a puffin pedestrian crossing
Applicant	Marlborough College
Town/Parish Council	MARLBOROUGH
Grid Ref	418522 168758
Type of application	Full Planning
Case Officer	Charlotte Douglas

Reason for the application being considered by Committee

This application and its listed building counterpart (next on this agenda) are being brought before the Committee at the request of the Division Member, Cllr Fogg. This follows the unanimous objection of Marlborough Town Council and a number of objections received from within the local community.

1. Purpose of Report

To consider the recommendation that planning permission is granted for the alteration of existing boundary walls and gates to facilitate the installation of a puffin pedestrian crossing.

2. Report Summary

This report seeks to discuss:

- a) The principle of a puffin crossing in this location;
- b) The impact of the proposed development on the fabric and setting of the listed building;
- c) The wider visual impact on the Marlborough conservation area; and
- d) The impact on highway safety.

3. Site Description

Bridewell Street forms a section of the A4 which runs through the centre of Marlborough. This particular section runs from High Street and Pewsey Road into Bath Road heading west out of the town. This area of the town falls within the Marlborough conservation area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB) washes over the settlement.

On the south-west side of the street is the northern extent of the main campus of Marlborough College; the walls and buildings which bound this side of the road are listed. On the north-east side of the road is the Marlborough College Art building; the walls and gates associated with this building are unlisted.



4. Planning History

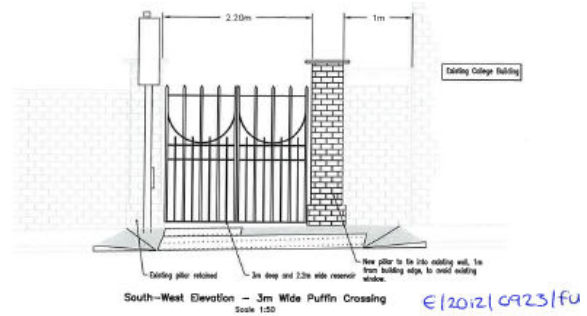
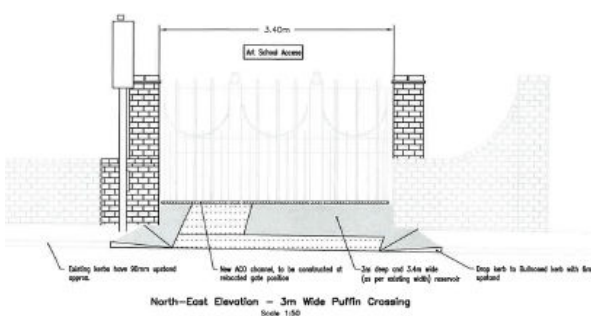
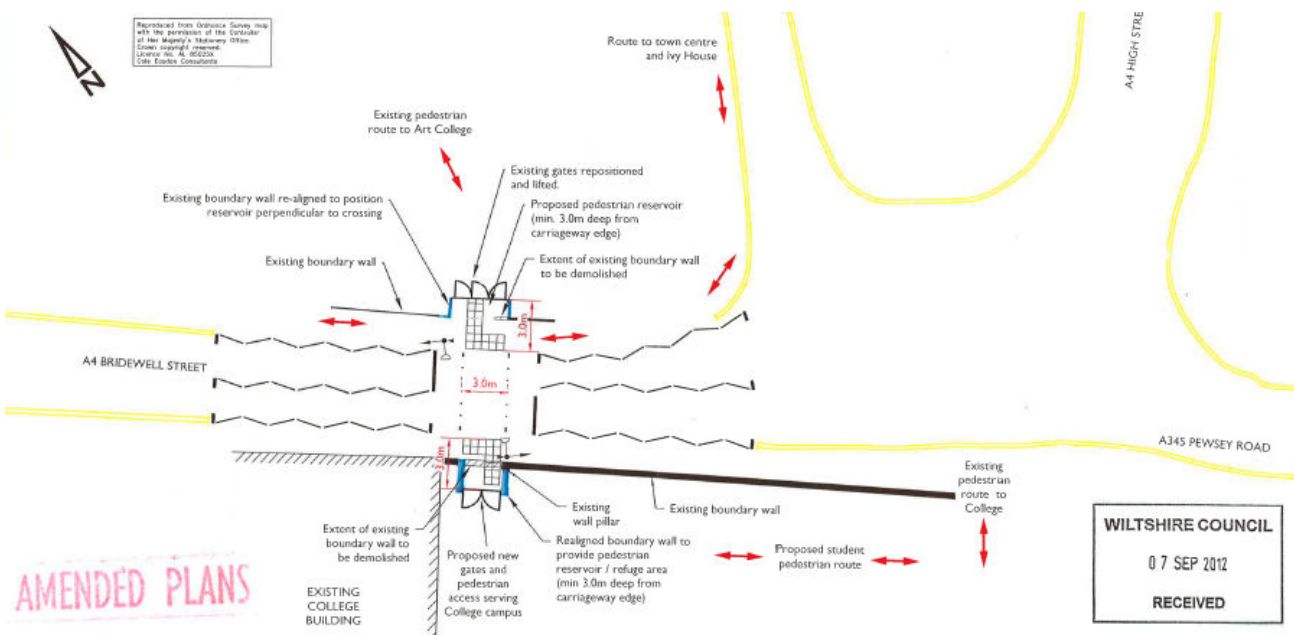
There is no relevant planning history.

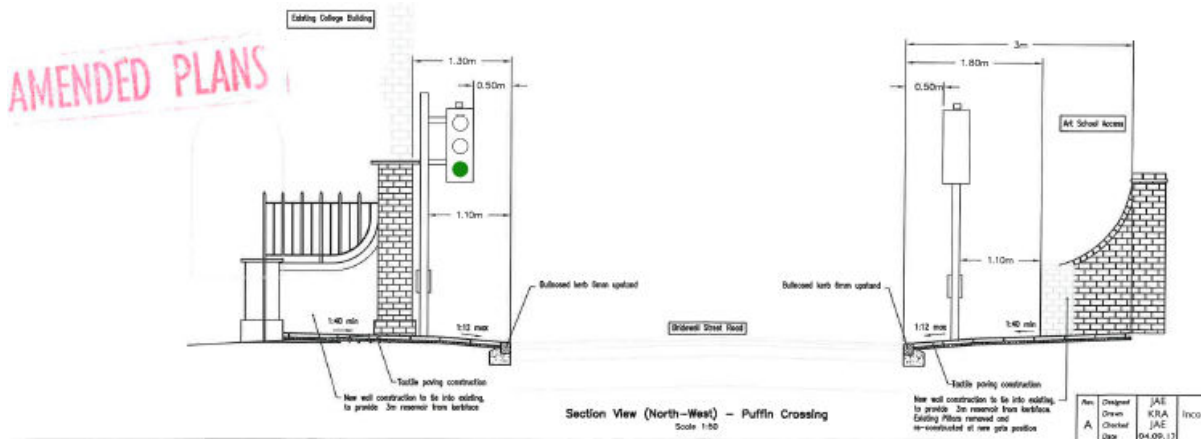
5. The proposal

This application seeks planning permission for the following development:

- The creation of a new pedestrian access through an existing wall and onto the pavement on the south-west side of Bridewell Street. A 2.2m section of wall would be demolished as part of the proposals. A new wall pillar would be built on the north-west section. From the existing and new pillars a pair of walls would extend back 2.2m onto which an inward opening gate would be mounted. These sections of wall have been designed to be curved in height from 1.8m to 1.1m at the rear.
- On the north-east side of Bridewell Street the existing gates and walls are flush with the pavement boundary. It is proposed to demolish a 0.8m section of wall. From the remaining walls a new 1m section of wall would be built, at the end of which the existing gates would be repositioned.

This application is therefore proposing wall and gate alterations only. The puffin crossing and the works within the highway to create this including the alterations to the pavement, installation of traffic lights and any associated road markings do not require planning permission.





Works to the public highway to create the puffin crossing are subject to a separate process dealt with by the Local Highways Authority (Wiltshire Council Highways Development Control Team). This statutory process has yet to be undertaken by the Local Highways Authority in respect of proposed puffin crossing. This process includes a statutory consultation process. This will have a 4 week timescale and would include consultation with Marlborough Town Council, Division Members, Marlborough Area Board, advertisements in the local press and a site notice. When this happens, this will provide interested parties with an opportunity to comment on the principle of the puffin crossing, for example in respect of issues such as highway safety. As such, the principle of the puffin crossing and its impact on the highway will not form any part of the following assessment.

6. Planning Policy

National Planning Policy Framework Policy 2012 (NPPF): Section 7 'Requiring Good Design', Section 12: 'Conserving and enhancing the historic environment'.

Wiltshire and Swindon Structure Plan 2016 (saved policies): HE7 Conservation Areas and Listed Buildings.

Kennet Local Plan 2011 (saved policies): PD1 'Development and design'.

7. Consultations

Marlborough Town Council

RESOLVED:

- (1) unanimously that Marlborough Town Council objects to this application on the grounds that the publicly displayed notice for this application is at variance with the application that this Council has been asked to comment on, thus invalidating the application;
- (2) that with regard to the application as presented to the Town Council, this Council objects most strongly, on the grounds that the proposed alteration to the footpath and adjoining listed wall are not necessary as the Council objects even more strongly to yet another controlled crossing in such close proximity to two existing crossings and a busy mini roundabout junction. The proposed additional puffin crossing would cause unacceptable noise levels to nearby residents and would result in unacceptable traffic congestion at peak periods for vehicles entering and exiting the town.

Campaign to Protect Rural England (CPRE): 'We believe the over-riding interest should be the Marlborough Community's interest in preventing any worsening traffic congestion and air quality. We call for a more sustainable proposal causing less inconvenience to the town'.

Wiltshire Council Highways – key points summarised below:

- With the new Ivy House accommodation block, a puffin crossing in this location would increase safety and convenience for pedestrians;
- Alternatives have been considered and this is the safest option;
- The distance between existing crossings is too far from the pedestrian desire line in this location to sensibly expect students to use the existing crossings as an alternative to the creation of a new crossing;
- Crossings must be on desire lines otherwise a crossing would remain unused;
- The proximity of the crossing to the roundabout is not unusual and is acceptable;
- The crossing would not have an undue effect on congestion; congestion is a result of other factors. Furthermore, sophisticated puffin crossing designs can have sensors and software programming to mean that they can minimise impact on traffic flow;
- Width of access should be a minimum 2.5m (preferably 3m) wide, proposed 2.2m is too narrow; and
- Requirements for landscaping within the grounds to ensure that students use the proposed gate rather than the existing narrow footway.

Wiltshire Council Conservation Officer – no objection to amended plans. Summary of response:

- West walls curtilage listed, walls on east side are modern and not listed;
- All of the proposal falls within the Marlborough conservation area;
- Objection to failure to submit an assessment of significance of part of the listed building to be affected and the impact the proposal would have on this identified significance with the application;
- Wall is significant and sensitive; and
- Suggestion of less damaging proposal would be an iron gateway in the proposed opening to replace the originally proposed back wall with students routed through the site towards the crossing (note: the amended plans satisfactorily address this point).

8. Publicity

This application was advertised by press advertisement, neighbour notification letters and site notice. Ten households have objected to the scheme. The comments that have been received have been summarised below. They have been categorised into topic areas of impact on historic assets and highway safety.

Comments about affecting fabric of listed building and conservation area

- Unnecessary changes to building fabric
- Change the aesthetic of the place

Comments about highway safety issues

- Proposals for a puffin crossing in this location in 2008 were turned down; the arguments which resulted in it being turned down at that stage are still valid and the circumstances have not changed in a way since then which would make this proposal now acceptable.
- Lack of valid evidence/data to justify the need for the crossing such as accident statistics. The number of additional pedestrians generated by Ivy House development would be limited, insufficient to warrant a new crossing.
- Existing crossings and pedestrian facilities within close proximity to this proposal are sufficient / adequate and only a short walk away from the proposal site.
- Lack of consideration of wider alternatives that do not involve a new crossing.
- The issue of the puffin crossing should have been dealt with in advance of the application to change the walls, so the principle of the crossing could be decided in advance of such an application as this being considered.
- Crossing will result in congestion resulting in an increase in traffic safety hazards, fume emissions and create more difficulty for passage of emergency vehicles. This problem will

be exacerbated because of this addition being so close to two existing uncoordinated pedestrian crossings.

- Narrow nature of the pavement on west side would not be suitable for increased pedestrians.
- Recess would not be safe as large groups of children would still need to walk on the narrow pavement to reach the recess, an access through the wall would be safer.
- Unsafe place to locate crossing because of poor visibility north, resulting from the existing very sharp bend.
- Noise nuisance would result from the beeping which would emanate from crossing.
- Additional street furniture would be visually unattractive and confusing for drivers.

One letter of support has also been received:

- Benefit/improvement to safety of students and public alike.

9. Planning Considerations

a) Principle of a puffin crossing in this location

As explained in section 5 of this report, the puffin crossing and the works to the pavement and road to create the crossing do not require planning permission. The Local Highways Authority is statutorily required under relevant highway legislation, before establishing a puffin crossing, to give public notice of that proposal. This consultation process has yet to be carried out. Following this period of notice the proposal would be considered by officers of the Local Highways Authority with the final decision being made by the Cabinet Member for Highways and Transport.

b) Impact on the listed building and conservation area

Section 7 of the National Planning Policy Framework and saved Local Plan Policy PD1 requires development to have a quality in design that responds to the character of the existing building and surrounding townscape. Section 12 of the NPPF and saved Structure Plan Policy HE7 specifically require that the fabric of listed buildings and the wider historic environment is both conserved and enhanced through development.

Bridewell Street South-West Alterations

Marlborough College is a Grade II listed building. The walls on the south-west side of Bridewell Street form part of this listed building; a section of uninterrupted 2m high brick wall extending out from the Old Sick House forming an attractive feature of the listed building and the wider street scene. The changes to this section of wall would directly alter the fabric of the listed building, which is subject to parallel consideration in the counterpart application for listed building consent (E/2012/1121/LBC).

Fundamentally, as with any listed building, the preference is for the building to remain in its original state; where this is not possible the imperative is to find the least harmful solution. Any negative impacts arising from the wall alterations must be weighed against the potential benefits from the increased safety of the students moving between parts of the College and the town.

The original proposal involved the creation of a pedestrian reservoir by the construction of a recession/alcove within the listed wall. The creation of a recession/alcove would have resulted in an uncharacteristic change to the wall which would not have reflected any part or feature of the existing listed building. It also would have resulted in a blank wall directly in front of a window in the south elevation of the Old Sick House; this would have removed any vantage out from the existing room across the grounds. As such this proposal was considered to unacceptably impact on the character of the listed building.

Discussions between the applicant and the Council's Conservation Officer have resulted in an amended proposal being submitted. The revised design, to show an opening in the wall with a recessed gate, is considered to be much more sympathetic in its impact on the listed building. The principle of a gate through a wall is more commonly expected and has a more readily apparent purpose and functionality. The proposal in style and form reflects a number of other accesses on the perimeter of the college site and on their more modern additions. The impact on the Old Sick house would be much improved as the wall would curve and drop down to a height in line with the bottom part of the south elevation windows and the design of the gates and fencing would enable a continued vantage from within the room of the affected window.

The Local Highways Authority has commented that the width of the access proposed is too restrictive, suggesting a minimum width of 2.5m with a preference of a width of 3m. This would increase the ease of use of the access as it would allow more students to pass through. However, it is considered that this width increase would cause unacceptable harm to the listed building. The current design has a width which is constrained both by the desire to retain the existing pier, minimising the amount of demolition required, and to allow a sensitive distance from the south building line of the Old Sick House. A widening of this would result in further unnecessary harmful intervention into the fabric of the listed building, and as such is not supported.

It is important that the detail of any proposal where alterations to listed buildings are concerned is of an appropriate level of quality to best sympathise with the existing. At this stage no detailed information in respect of materials and their construction has been submitted. It is important that the extended wall is constructed to match the existing wall. This can be covered by an appropriately worded planning condition. Similarly, a condition can be used to require the gates to be constructed of metal and painted black.

Bridewell Street North-East Alterations

The walls/gates to the north-east of Bridewell Street do not form part of the listed building. They do, however, fall within the setting of the listed building and within the Marlborough conservation area.

The walls are modern but have been built of materials and style to reflect the Marlborough College listed building and existing accesses. The proposed changes are fairly limited, such that the change in the long term would be imperceptible in the street scene.

c) Impact on the highway safety of the access to be altered and created

The proposal has been designed to be minimal in the degree of change. The changes to both the north-east and south-west sides of Bridewell Street would have new walls and gates, both of which would be recessed back from the highway. The proposed gates would be inwardly opening. As such the proposals would not result in any obstruction to the public highway, either pedestrian or vehicular.

10. Conclusion

The amended proposal for alterations to existing boundary walls and gates is considered to have limited impact on the fabric and setting of the listed building and the Marlborough conservation area, subject to the puffin crossing being considered and granted through its own statutory process. In the event that the puffin crossing is not allowed by this process the proposed alterations to the listed wall to facilitate this would not be justified. Any planning permission granted should therefore be subject to a condition preventing the alterations to the listed wall until the necessary consents under the relevant highway legislation have been obtained and a contract has been agreed to construct the new puffin crossing.

RECOMMENDATION:

That planning permission be GRANTED for the following reason and subject to the conditions as listed below:

Having regard to the relevant development plan policies, in particular saved policy PD1 of the Kennet District Local Plan 2011, saved policy HE7 of the Wiltshire and Swindon Structure Plan 2016 and the Sections 7 and 12 of the National Planning Policy Framework 2012 and all other material planning considerations, the proposal is considered to be acceptable, subject to the conditions imposed.

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 to alter the listed wall on the south-west side of Bridewell Street until the necessary consents for the new puffin crossing under the relevant highway legislation have been obtained and a contract has been agreed to construct the crossing.

REASON: The works to the listed wall are only acceptable where they are required to facilitate a puffin crossing.

3. The brickwork for the new sections of wall shall match the existing sections of wall adjacent in terms of size of bricks, their colour, texture and brick bond, and pointing and jointing details.

REASON: To safeguard the character and setting of the listed building and the character and appearance of the conservation area.

4. The new gates on the south-west side of Bridewell Street shall be of metal construction and painted black.

REASON: To safeguard the character and setting of the listed building and the character and appearance of the conservation area.

5. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location Plan: Plan 3433/220 received by the Local Planning Authority on the 20 July 2012, Engineering Works Association with Proposed Puffin Crossing on Bridewell Street: 3433/SK/203 Rev C, Sections and Elevations of Puffin Crossing on Bridewell Street: 3433/SK/300 Rev A and proposed Gateway and Pedestrian Access into College Campus from Proposed Pedestrian Puffin Crossing on Bridewell Street: 3433/SK301 received by the Local Planning Authority on the 07 September 2012.

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the Local Planning Authority.

Appendices: None

Background Documents Used in the Preparation of this Report: None

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	11 th October 2012
Application Number	E/2012/1121/LBC
Site Address	Bridewell Street (A4), Marlborough, Wilts
Proposal	Alteration to existing boundary walls and gates to facilitate the installation of a puffin pedestrian crossing
Applicant	Marlborough College
Town/Parish Council	MARLBOROUGH
Grid Ref	418522 168758
Type of application	Listed Building Consent
Case Officer	Charlotte Douglas

Background

This is the counterpart application to E/2012/0923/FUL which appears earlier on this agenda. The application seeks listed building consent for alterations to the listed wall on the south-west side of Bridewell Street to facilitate the installation of a puffin pedestrian crossing.

1. Purpose of Report

To consider the recommendation that listed building consent is granted.

2. Report Summary

The main issue to consider is the impact upon the fabric and setting of the listed building.

3. Site Description

As previously reported under E/2012/0923/FUL.

4. Planning History

There is no relevant planning history.

5. The proposal

This application seeks listed building consent for the creation of a new pedestrian access through an existing wall and onto the pavement on the south-west side of Bridewell Street. A full description of the works and copies of relevant plans and photographs are contained in the report for the accompanying planning application which appears earlier on this agenda.

6. Planning Policy

National Planning Policy Framework Policy 2012 (NPPF): Section 12: 'Conserving and enhancing the historic environment'.

7. Consultations

Marlborough Town Council's comments are reported in full under the report for the counterpart planning application. However, in summary, the town council objects most strongly to the proposals, considering that the alterations to the listed wall are not necessary as the puffin crossing is not required.

Wiltshire Council Conservation Officer – no objection to amended plans.

8. Publicity

This application was advertised by press advertisement and site notice. No representations have been received.

9. Planning Considerations

The scope of this application is restricted to the alterations being proposed to the listed wall on the south-west side of Bridewell Street. The existing wall on the north-east side of Bridewell Street is unlisted and alterations to this structure are covered by the counterpart planning application only.

The listed building considerations are set out in the report for the counterpart planning application which appears previously on this agenda. The relevant extract from that report is reproduced below:

“The walls on the south-west side of Bridewell Street form part of this listed building; a section of uninterrupted 2m high brick wall extending out from the Old Sick House forming an attractive feature of the listed building and the wider street scene. The changes to this section of wall would directly alter the fabric of the listed building ...

“Fundamentally, as with any listed building, the preference is for the building to remain in its original state; where this is not possible the imperative is to find the least harmful solution. Any negative impacts arising from the wall alterations must be weighed against the potential benefits from the increased safety of the students moving between parts of the College and the town.

“The original proposal involved the creation of a pedestrian reservoir by the construction of a recession/alcove within the listed wall. The creation of a recession/alcove would have resulted in an uncharacteristic change to the wall which would not have reflected any part or feature of the existing listed building. It also would have resulted in a blank wall directly in front of a window in the south elevation of the Old Sick House; this would have removed any vantage out from the existing room across the grounds. As such this proposal was considered to unacceptably impact on the character of the listed building.

“Discussions between the applicant and the Council's Conservation Officer have resulted in an amended proposal being submitted. The revised design, to show an opening in the wall with a recessed gate, is considered to be much more sympathetic in its impact on the listed building. The principle of a gate through a wall is more commonly expected and has a more readily apparent purpose and functionality. The proposal in style and form reflects a number of other accesses on the perimeter of the college site and on their more modern additions. The impact on the Old Sick house would be much improved as the wall would curve and drop down to a height in line with the bottom part of the south elevation windows and the design of the gates and fencing would enable a continued vantage from within the room of the affected window.

“The Local Highways Authority has commented that the width of the access proposed is too restrictive, suggesting a minimum width of 2.5m with a preference of a width of 3m. This would increase the ease of use of the access as it would allow more students to pass through. However, it is considered that this width increase would cause unacceptable harm to the listed building. The current design has a width which is constrained both by the desire to retain the

existing pier, minimising the amount of demolition required, and to allow a sensitive distance from the south building line of the Old Sick House. A widening of this would result in further unnecessary harmful intervention into the fabric of the listed building, and as such is not supported.

“It is important that the detail of any proposal where alterations to listed buildings are concerned is of an appropriate level of quality to best sympathise with the existing. At this stage no detailed information in respect of materials and their construction has been submitted. It is important that the extended wall is constructed to match the existing wall. This can be covered by an appropriately worded planning condition. Similarly, a condition can be used to require the gates to be constructed of metal and painted black.”

10. Conclusion

The amended proposal for alterations to the existing boundary wall is considered to have limited impact on the fabric and setting of the listed building, subject to the puffin crossing being considered and granted through its own statutory process. In the event that the puffin crossing is not allowed by this process the proposed alterations to the listed wall to facilitate this would not be justified. Any listed building consent granted should therefore be subject to a condition preventing the alterations to the listed wall until the necessary consents for the puffin crossing have been secured under the relevant highway legislation and a contract has been agreed to construct the crossing.

RECOMMENDATION:

That listed building consent be GRANTED for the following reason and subject to the conditions as listed below:

The proposed works will not be detrimental to the character or setting of the listed building.

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON:

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

2. No works shall commence to alter the listed wall until the necessary consents for the new puffin crossing under the relevant highway legislation have been obtained and a contract has been agreed to construct the crossing.

REASON: The works to the listed wall are only acceptable where they are required to facilitate a puffin crossing.

3. The brickwork for the new sections of wall shall match the existing sections of wall adjacent in terms of size of bricks, their colour, texture and brick bond, and pointing and jointing details.

REASON: To safeguard the character and setting of the listed building.

4. The new gates shall be of metal construction and painted black.

REASON: To safeguard the character and setting of the listed building.

5. The works hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location Plan: Plan 3433/220 received by the Local Planning Authority on the 20 July 2012, Engineering Works Association with Proposed Puffin Crossing on Bridewell Street: 3433/SK/203 Rev C, Sections and Elevations of Puffing Crossing on Bridewell Street: 3433/SK/300 Rev A and proposed Gateway and Pedestrian Access into College Campus from Proposed Pedestrian Puffin Crossing on Bridewell Street: 3433/SK301 received by the Local Planning Authority on the 07 September 2012.

REASON: To ensure that the works are carried out in accordance with the approved plans that have been judged to be acceptable by the Local Planning Authority.

Appendices: None

Background Documents Used in the Preparation of this Report: None

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	11 th October 2012
Application Number	E/2012/0987/FUL
Site Address	1 South Street and The Old Forge, Aldbourne, Wiltshire SN8 2DW.
Proposal	Demolition of existing rear extension and erection of two storey rear extension to 1 South Street and The Old Forge. Erection of rear outbuilding and change of use of ground floor and first floor at 1 South Street to tea rooms, library and community space.
Applicant	Mr and Mrs Hart
Town/Parish Council	ALDBOURNE
Grid Ref	426543 175672
Type of application	Full Planning
Case Officer	Victoria Cains

Reason for the application being considered by Committee

This application has been put before the Committee by the Area Development Manager as objections have been received to a proposal where Wiltshire Council may utilise part of the building to deliver a Council service. It is therefore considered appropriate in this case for the Committee to consider the application in public.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider are:

1. Whether the change of use element of the application is acceptable in principle;
2. Whether the scheme would give rise to an adverse impact upon the residential amenities of the occupiers of the neighbouring dwellings;
3. Whether the scale/design of the extension and outbuilding is acceptable, particularly in relation to the listed building(s) and conservation area;
4. Whether the change of use would give rise to issues of highway safety (namely relating to parking provision);
5. Other matters – namely the impact of The Old Forge; and
6. Whether the proposed outbuilding is acceptable.

The accompanying listed building application E/2012/0986/LBC is also to be determined at this committee and this recommendation is contained in the subsequent report.

3. Site Description

This application relates to 1 South Street and The Old Forge in Aldbourne. No.1 currently houses the library on the ground floor whilst the Old Forge has recently re-opened as a working forge. The site is located on the north-eastern edge of the centre of the village, just off The Square, and is set back from Oxford Street (which leads to Baydon to the north) with a small parking area in front. Plate 1 shows the site in the context of The Square and the pond found within the centre of the village.

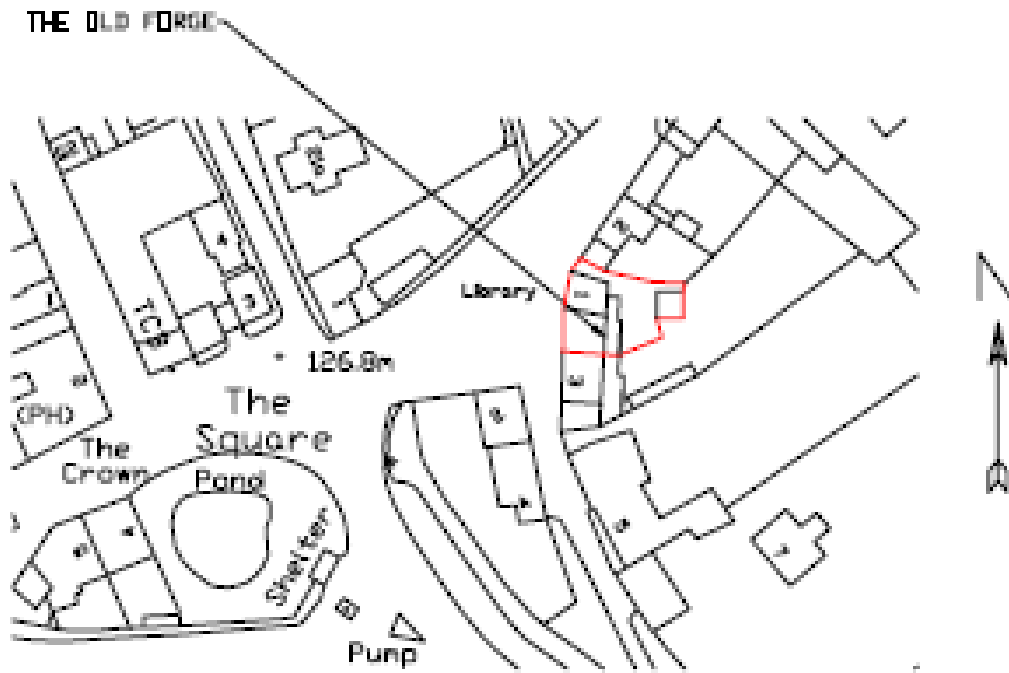


Plate 1: Location Plan (not to scale)

The application site is the end property of a terrace of three buildings which comprise the Aldbourne library (1 South Street), The Old Forge and adjacent dwelling (3 South Street). No.1 and The Forge are part of a grade II listed row of cottages dating from the late 18th/early 19th century. Built of rubblestone, now colourwashed, the buildings are two-storeys high with single storey extensions to the rear. The neighbouring thatched cottages adjacent to the site are also grade II listed buildings. The terrace of three is also notably listed because of their group value, being an important element enclosing The Square, itself being a focal point within the Aldbourne conservation area.

To the north of the application site is 2 Oxford Street which is a listed residential property with the rear courtyard of the application site abutting the rear garden of this neighbouring dwelling. The site is situated within the village centre which is characterised by its mix of residential and commercial uses (e.g. village shops, public house, post office cafe and deli, hairdressers and library). The building itself is grade II listed and lies within the conservation area and North Wessex Downs Area of Outstanding Natural Beauty. Plate 2 shows the site in relation to its immediate neighbours.



Plate 2: Block plan (not to scale)

4. Planning History

This application has been resubmitted following the withdrawal of a similar scheme in June 2012 (E/2012/0526/FUL and E/2012/0527/LBC). These applications were withdrawn because of the concerns regarding the impact upon neighbour amenity, particularly overlooking and to a degree the dominance of the extension upon the occupiers of 2 Oxford Street.

This latest application varies in that it now includes a rear outbuilding for a disabled toilet, the extension now angles slightly away from no.2 and the rear window closest to no.2 has now been removed (a brick inset is proposed in lieu of the window). A summary of the recent history is set out below:

K/18753/L	Demolition of existing lean-to, new single storey extension and alterations to existing dwelling – APPROVED 1992
K/18754	Replacement single-storey extension – APPROVED 1992
E/2012/0422/LBC	Replace existing corrugated roof coverings to rear single storey lean-to extension and separate shoeing shed with plain clay tiles. Insertion of rooflights into single storey lean-to extension – APPROVED 2012
E/2012/0526/FUL	Erection of two storey extension to rear & demolition of existing extension. Change of use of ground floor & first floor to tea rooms, library & community space – WITHDRAWN
E/2012/0527/LBC	Erection of two storey extension to rear and demolition of existing extension. Additional extension & internal alterations - WITHDRAWN

5. The Proposal

This application seeks to erect a two storey rear extension to 1 South Street (which partly attaches at its rear corner to The Old Forge) and a single-storey outbuilding. The extension is required to facilitate the change of use from a library at 1 South Street to a mix of uses, namely the library, a new tea room business as well as occasional use for community purposes such as meetings for parish council, mums and babies groups and any other local groups. A rear outbuilding is also proposed to house a unisex disabled toilet for users of the building.

This scheme differs from the previous submission as the extension now angles slightly away from no.2. The scheme has been amended to remove the rear facing first floor window closest to the boundary with no.2 Oxford Street and replace it with a masonry inset. Two high-level (i.e. above head height) conservation style rooflights are now proposed.

Internal alterations are proposed to facilitate the re-organisation of the building and these specifically require listed building consent and are considered in the subsequent report for E/2012/0986/LBC.

Plate 3 shows the ground floor of the proposed extension and the outbuilding.

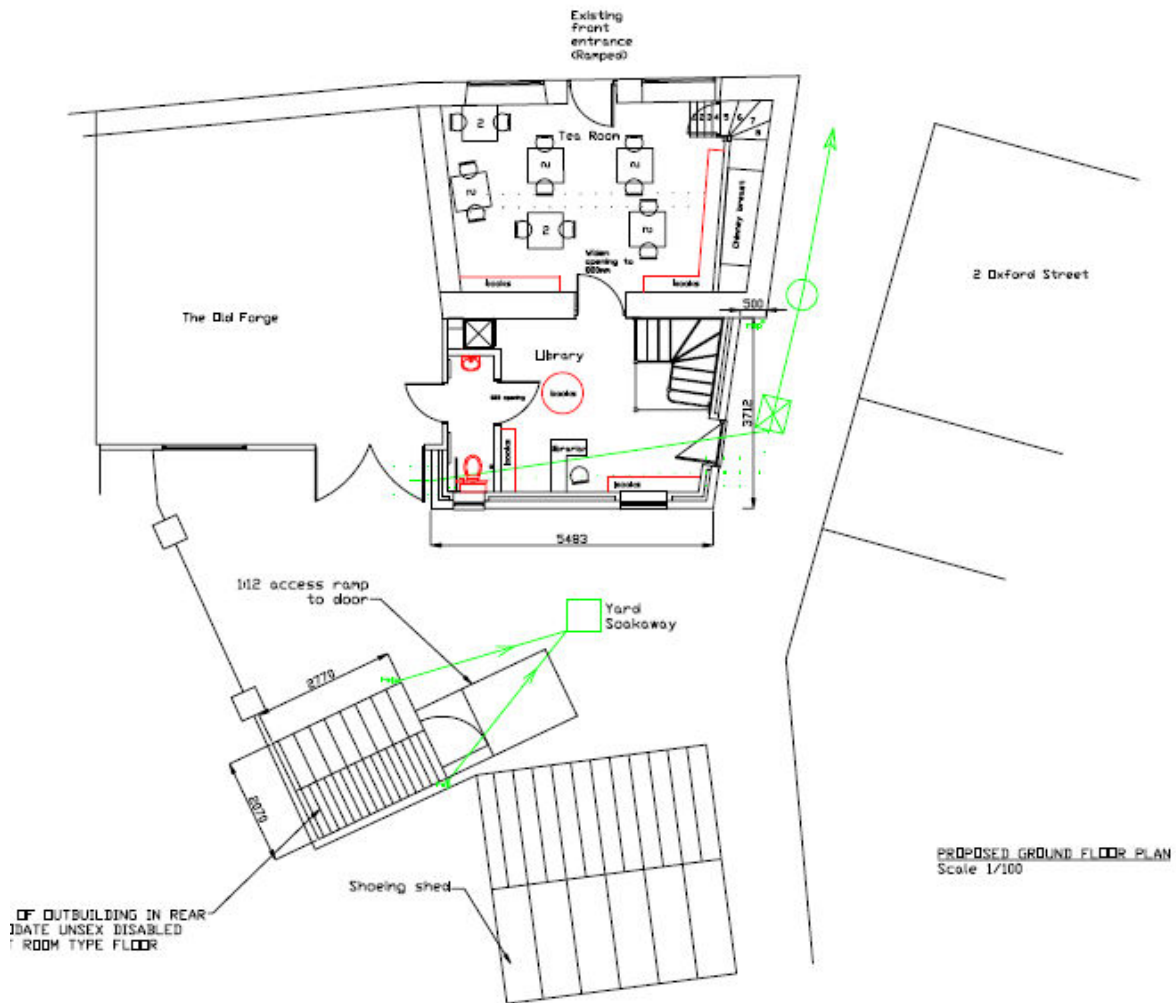


Plate 3: Proposed extension and outbuilding



Plate 4: Planning application site – front elevation

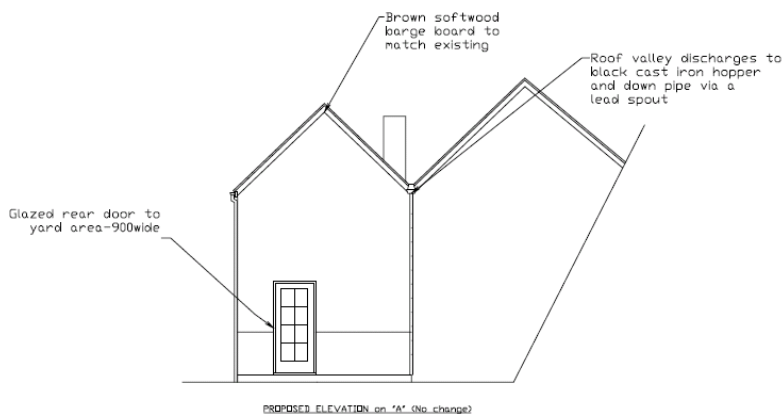
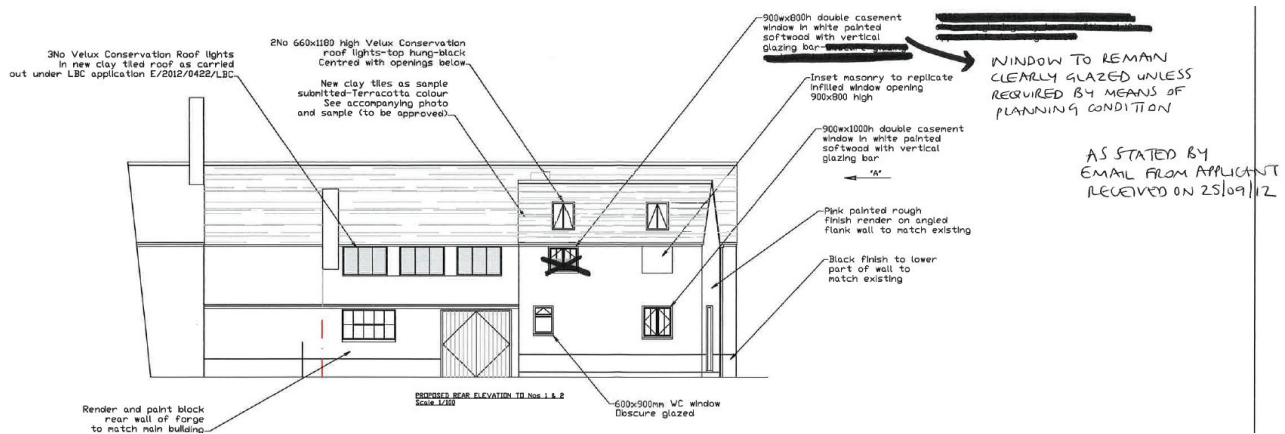


Plate 5: Proposed Elevations

6. Planning Policy

The **National Planning Policy Framework (NPPF)** sets out the general planning policy of central government. Of particular relevance to the determination of this application is section 7 regarding design, section 3 supporting a prosperous rural economy and section 12 regarding the historic heritage. Section 7 not only emphasises the importance of design in terms of visual impact but also in respect of the impact upon the community, including neighbour amenity.

Kennet Local Plan: Policy PD1 regarding general development and design principles is the pertinent consideration.

Wiltshire Core Strategy Pre-submission Document (February 2012): This holds limited weight at the present time as a material consideration but this weight will strengthen as the document progresses towards adoption (timetabled early 2013). The key policies would be Core Policy 1: Settlement Strategy, Core Policy 14: Spatial Strategy: Marlborough Community Area, Core Policy 57: Ensuring high quality design and place shaping and Core Policy 58: Ensuring the conservation of the historic environment.

Other material considerations: The Practice Guide to Planning Policy Statement 5 and the Aldbourne Conservation Area Statement are also material considerations.

7. Consultations

Aldbourne Parish Council: No objection.

Wiltshire Council Conservation Officer: No objection subject to conditions relating to (i) internal elevations and details of works to the building to provide access from the existing first floor to the new extension; (ii) joinery details – windows and door (including internal doors and ‘blind’ window); (iii) materials; (iv) rain water goods to be cast metal and finished in black and (v) details of any new vents/flues etc connected to toilet and kitchen facilities.

Wiltshire Council Environmental Protection. Comments have been received reiterating the response to the previous applications that were withdrawn. No objections are raised because of the small, almost domestic scale of cooking that is to be carried out at the premises for the tea room. Concerns were however raised that the tea room could potentially be used as a more intensive restaurant at a future date and a condition restricting the use of a domestic scale cooker was recommended.

Wiltshire Council Highways: No objection.

8. Publicity

A site notice was put up and neighbours consulted by letter. Furthermore, the proposal was advertised in the local press. Three letters of objection from neighbours have been received to the scheme as originally submitted (i.e. with two windows at first floor in the rear elevation). These are summarised as:

1. The scheme will have an adverse impact upon daylight received to no.2 Oxford Street
2. The proposed windows will directly overlook the garden area of no.2
3. The tea rooms will generate noise and disturbance to the detriment of the amenity of the occupiers of no.2 Oxford St.
4. The increase in traffic will lead to an increase in pollution that already exists in the vicinity
5. The extension and outbuilding represents a 60% increase in volume of the current listed building and will not appear subservient to the existing listed building.
6. The extension will harm the special interest of the listed building, its evolution over the years and relationship to neighbouring properties. To interrupt the roofline would be detrimental to the roofscape, character and appearance of the conservation area.
7. The scheme would dramatically increase the parking and traffic at this part of Aldbourne. There are existing problems with the Co-op shop close by. Cars already park on the carriageway impairing access and vision. Residents of Oxford Street are regularly blocked in by road users.
8. The fire engines had issues recently when trying to access a property because of traffic problems.
9. The re-opening of the forge has caused intolerable noise created by the forging process, including hammering and the use of other light industrial equipment during the day time. Smell nuisances are also experienced on occasions.
10. The addition of a tea room to the existing uses in the village such as the pub and the forge will create further noise and disturbance to the immediate neighbouring properties.
11. If consent were to be granted then an hours of operation condition should be added to the use as a whole.
12. The tea room may impact upon the viability of other similar uses in the village.
13. The external toilet must be contrary to the Building Regulations.
14. Concern about the increased fire risk from the old forge.
15. An example of a similar forge planning application in Chipping Campden was provided (this can be viewed online). This particular forge was subject to noise control and restrictions in order to protect the amenities of local residents (e.g. decibel restrictions, operating hours, noise insulation and keeping the doors and windows closed when operations are taking place). The objector believes it is reasonable to expect that Wiltshire Council will require similar measures to be taken in this case to protect the amenities of local residents in Aldbourne.

9. Planning Considerations

Whether the change of use is acceptable in principle

This application proposes a collection of community uses at the application site. These are specifically a tea room and the library (the library being a Wiltshire Council service with the space rented from the applicants). Occasional use for local groups and organisations is also proposed although there are no specific details of these uses as these are envisaged to be evolving secondary uses.

The village of Aldbourne is defined as a larger village in both the Kennet Local Plan and the emerging Core Strategy (pre-submission document). As such, it is a village with a range of services and facilities with a larger local population. Indeed, page 11 of the Aldbourne Conservation Area Statement states that *“one of the particular attractions of Aldbourne is the amount of activity that remains within the village. This includes business activity, shopping, the church, the school, the library and the village hall, all of which identify Aldbourne as an important local centre. Pubs and restaurants provide facilities for both residents and visitors. Retention of all these uses is essential if the overall character of the Conservation Area is to be maintained”*.

The application site, within the centre of the village, and close to other businesses and services is considered an appropriate and sustainable location to cluster these uses which will largely serve the local population but in addition tourists. The mutually supporting uses of the library and tea room will help to retain/improve essential local services which are often lost in villages. The NPPF specifically states that the role of development plans (and subsequently decision takers) is to “...promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”. In a large “active” village such as Aldbourne, your officers consider this change of use acceptable in principle.

Whether the scheme would give rise to an adverse impact upon the residential amenities of the occupiers of the neighbouring dwellings

There are two-fold concerns to address here, (a) the impact of the change of use itself and (b) the impact of the extension. Photographs showing the relationship between the application site and no.2 Oxford Street (the closest neighbour) are set out below:



Plate 6: Rear elevation and view towards 2 Oxford Street



Plate 7: Rear elevation of 2 Oxford Street facing towards the application site



Plate 8: View from the side windows of 2 Oxford Street facing towards the application site

The library already exists and is to be relocated into the ground floor of the rear extension. The tea room will largely occupy the front of the building at ground floor and the first-floor. The proposed catering equipment is a domestic scale oven (that would not give rise to smell nuisances) and the proposed hours of operation are 09.50 to 17.30. The proposal is for a tea room that is compatible with a library and the scale of the use (as indicated by the hours of operation, cooking equipment and links to the library) is low-key. This is a village centre location where residential and business/service uses exist cheek by jowl and it is not unusual for uses to be close to/adjacent to residential properties (as exists elsewhere in the village centre). It is not therefore considered that the change of use proposal would have an adverse impact upon the reasonable living standards of the occupiers of the neighbouring residential dwellings by reason of noise disturbance or smell nuisances. The condition as suggested by the Environmental Protection Team regarding the restriction of the cooking equipment to a small scale domestic cooker is recommended to ensure that a more intensive form of restaurant/tea room does not evolve. Furthermore, a condition restricting hours of use is also suggested to again ensure the use does not become more intensive in relation to hours of operation.

The proposed extension will have an impact upon the residential amenities enjoyed by the occupiers of no.2 Oxford Street but the issue to consider is whether that impact would be harmful enough to justify a refusal of planning permission. The extension will present a significant change

to views of the site as experienced from the first floor bedroom window in the gable of no.2 (see plates 6 & 8). However, the extension is modest in length (it will project from the rear wall of the existing building by 3.712 metres) and its ridge height will be lower than the existing property. The extension will also be angled slightly away from no.2 and will be separated from the neighbour by a side access (the intervening distance ranging from 2.1 to 2.6 metres). The neighbours' outlook would undoubtedly change as a result of the development, but it is not considered that the extension would be dominant or overbearing. There may be some loss of light to the neighbours' window; however, this window already looks towards the gable end and lean-to extension for 1 South Street and therefore any additional impact is not likely to be significant enough to justify a refusal of planning permission.

When viewed from the neighbours' garden the extension would not be unduly imposing; its modest length means that it would project no further forward than the end of the neighbours' existing lean-to extension, thus ensuring a reasonable separation distance (see plate 7). The rear garden of no.2 steps up towards its rear end and this will assist in reducing the impact.

The problem of overlooking has been addressed in the latest proposal by the removal of the rear first floor window closest to no.2. The remaining first floor window is 6.5 metres from the shared boundary and views would be at an oblique angle (particularly when stood behind the kitchen sink in the tea room) such that there would be limited opportunity for casual overlooking of the neighbours' garden.

Overall, it is not considered that the proposals would be harmful to the amenities of the neighbours at no.2 Oxford Street. Whilst there will be a degree of impact, this is to be expected in a built-up area where there is already a cheek by jowl relationship between buildings; it is not considered that there would be grounds to consider a refusal of planning permission in this instance.

Whether the scale/design of the extension and outbuilding is acceptable, particularly in relation to the listed building(s) and conservation area

The extension replicates that at 3 South Street but at a smaller scale (the extension to No.3 can be seen on the block plan in plate 2 and glimpsed in the photograph on plate 7). The extension will therefore be viewed against the backdrop of the terrace of 3 listed buildings and a similarly designed extension. With a reduced ridge height and smaller span, the extension would be subservient to the host listed building and the materials and design features are to match those of the listed building. The Conservation Officer has specifically stated *"that there is general support for the aims of the project to enhance the building and expand its use as a public library, tea rooms and children's workshops/learning facility and to utilise the existing forge. These proposals will hopefully provide a considerable public benefit by optimising the use of the buildings although it is acknowledged that to enable this to be done, an extension to one building is required. Due to the proposed public benefit, there are no objections to the proposals as they are not considered to have a negative impact on the character and setting of the listed buildings or any significant impact on the building's special interest"*.

In respect of the character and appearance of the conservation area, the scheme is considered to have a largely neutral impact. The scheme will be glimpsed as part of the collection of listed buildings many of which have already been extended (for example no.2 Oxford Street and 3 South Street). The roofline will be glimpsed as part of the streetscene and will not be out of keeping or unduly prominent. Given the central village location, it is not considered that the scheme would give rise to an adverse impact upon the landscape character and quality of the AONB.

With the appropriate conditions added to any permission, your officers therefore consider the scheme to be a visually acceptable addition within this historic setting.

Whether the change of use would give rise to matters of highway safety (namely relating to parking provision)

Concerns have been raised about the impact of the scheme upon existing parking problems experienced within the immediate vicinity. However, the library already exists and it will only be

the additional tea room and community uses that would add pressure to this situation. There is a small parking area in front of the library and at the time of the 3 site visits carried out by the planning case officer (within the day time of a week day) there were always vacant parking spaces (as shown on plate 4). No doubt there are “peak” periods where parking can become difficult as stated by the objectors but during the daytime when the uses are open there is sufficient parking either close to the site or elsewhere within the village centre. As this is a service for local residents as well, one would also expect a proportion of visitors to walk and not use the car.

The highways department does not raise an objection to this scheme. As there is no objection from the highways department and because of the reasoning given above, the application is therefore considered acceptable in respect of matters of highway safety and parking provision.

Other matters – namely the impact of The Old Forge

Concerns have been raised by neighbours regarding noise disturbance in relation to the re-opening of The Old Forge but this element does not require planning permission and as such is not a matter to determine the application upon. The Old Forge has re-opened (albeit after a long period of time) but as the use was never abandoned in planning terms (e.g. there has been no other intervening uses at the site and all the equipment etc remained in situ) then this re-opening does not constitute a change of use requiring planning permission. As such, it would be unreasonable and unnecessary to impose conditions regarding the forge as suggested by some objectors. Any concerns need to be dealt with through the Environmental Protection Team.

Proposed outbuilding

The application also proposes a small outbuilding to be used as a disabled toilet for users of the building. The building would be modest in size and is to be constructed of materials to match 1 South Street. It is located in the shared rear courtyard of 1 South Street and The Old Forge. In terms of its scale and design, the building is an acceptable addition and is sited far enough away from the listed buildings so as not to harm their setting. Given that it is “tucked” into the south-eastern corner of the site, it will not be visible within the context of the conservation area nor will it cause harm to the amenities of the occupiers of the neighbouring dwellings. The outbuilding is therefore considered acceptable.

10. Conclusion

In conclusion, it is considered that the scheme represents a significant local benefit. The collection of services will be mutually supporting and represent a sustainable “hub” of uses in the one building within a central location in the village. The scheme is not considered to give rise to problems of neighbour amenity or highway safety nor is it considered to be harmful to the special interest and setting of listed buildings or the character and appearance of the conservation area. This is a positive venture that the village of Aldbourne will benefit from and members are therefore advised to approve the application subject to the recommended conditions.

RECOMMENDATION

That planning permission be GRANTED for the following reason and subject to the conditions set out below.

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

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

REASON:

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

2. The use hereby permitted shall only take place between the hours of 0900 and 1800 from Mondays to Saturdays (inclusive) and between 0800 and 1300 on Sundays. The use shall not take place at any other time.

REASON:

To protect the amenities of the neighbouring residential properties.

3. The cooking facilities within the tea rooms hereby permitted shall be restricted to a domestic-size cooker and extracting hood. No other form of cooker, ventilation or extraction equipment shall be installed on the premises without a fresh grant of planning permission.

REASON:

In the interests of residential amenity.

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

REASON:

In the interests of the privacy of the neighbouring properties.

5. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

- 20 -12 Sheet 1 Revision B, Date Received: 1st August 2012;
- 20 -12 Sheet 2 Revision B, Date Received: 1st August 2012;
- 20 -12 Sheet 3 Revision C, Date Received: 1st August 2012;
- 20 -12 Sheet 4 Revision B, Date Received: 1st August 2012;
- 20 -12 Sheet 5 Revision D and accompanying email from the applicant, Date Received: 25th September 2012;
- 20 -12 Sheet 6 Revision B, Date Received: 1st August 2012.

Appendices: None

Background Documents Used in the Preparation of this Report: None

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	11 th October 2012
Application Number	E/2012/0986/LBC
Site Address	1 South Street and The Old Forge, Aldbourne, Wiltshire SN8 2DW
Proposal	Demolition of existing rear extension and erection of two storey rear extension to 1 South Street and The Old Forge and internal alterations.
Applicant	Mr and Mrs Hart
Town/Parish Council	Aldbourn
Grid Ref	426543 175672
Type of application	Listed Building Consent
Case Officer	Victoria Cains

Reason for the application being considered by Committee

This application has been put before the committee by the Area Development Manager as objections have been received to a proposal where Wiltshire Council may utilise part of the building to deliver a Council service. It is therefore considered appropriate in this case for the Committee to consider the application in public.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider are the impact of the proposal on the listed building.

3. Site Description

The site description is the same as that for the accompanying planning application and can therefore be found in the previous report for E/2012/0987/FUL.

4. Relevant Planning History

The planning history is the same as that for the accompanying planning application and can therefore be found in the previous report for E/2012/0987/FUL.

5. The Proposal

This application seeks to erect a two storey rear extension to 1 South Street (which partly attaches at its rear corner to The Old Forge) and also proposes internal alterations to facilitate the re-organisation of the building (and the change of use which requires planning permission).

This scheme differs from the previous submissions which were withdrawn as the extension now angles slightly away from no.2 Oxford Street; the rear facing first floor window closest to the boundary with no.2 Oxford Street has been removed and replaced with a masonry inset and two high-level conservation style rooflights are now proposed.

6. Planning Policy

The National Planning Policy Framework (NPPF) sets out the general planning policy of central government. Of particular relevance to the determination of this application is section 12 regarding historic heritage.

The PPS5 Practice Guide is still extant, providing guidance on making changes to Heritage Assets.

The Aldbourne Conservation Area Statement provides supplementary planning guidance.

7. Consultations

Aldbourne Parish Council: No objection.

Wiltshire Council Conservation Officer: No objection subject to conditions relating to (i) internal elevations and details of works to the building to provide access from the existing first floor to the new extension; (ii) joinery details – windows and door (including internal doors and ‘blind’ window); (iii) materials; (iv) rain water goods to be cast metal and finished in black and (v) details of any new vents/flues etc connected to toilet and kitchen facilities.

8. Publicity

The application has been advertised with a press and site notice.

The consultation responses are the same as that for the accompanying planning application and the full summary can therefore be found in the previous report for E/2012/0987/FUL. The specific concerns that relate to the listed building application are summarised as:

1. The extension and outbuilding represents a 60% increase in volume of the current listed building and will not appear subservient to the existing listed building.
2. The extension will harm the special interest of the listed building, its evolution over the years and relationship to neighbouring properties. To interrupt the roofline would be detrimental to the roofscape, character and appearance of the conservation area.

9. Planning Considerations

The application site is the end property of a terrace of three buildings which comprise the Albourne library (1 South Street), The Old Forge and adjacent dwelling (3 South Street). No.1 and The Forge are part of a grade II listed row of cottages dating from the late 18th/early 19th century. Built of rubblestone, now colourwashed, the buildings are two-storeys high with single-storey extensions to the rear. The neighbouring thatched cottages adjacent to the site are also grade II listed buildings. The terrace of three are notably listed because of their group value, being an important element enclosing The Square, itself being a focal point within the Aldbourne Conservation Area.

From the point of view of the historic environment a primary consideration is the duty placed on the Council under Section 16 & 66 of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Although there would be a preference for a single-storey extension to the building, as this would provide additional accommodation and limit the potential impact on the listed building, its setting and on neighbours of the site, there is general support for the aims of the project. The use of the building as a public library, tea rooms and “community room” will hopefully provide a considerable public benefit by optimising the use of the buildings. It is therefore recognised to enable this project an extension to one listed building is required. With a reduced ridge height and smaller span, the extension would be subservient to the host listed building and the materials and design features are to match those of the listed building. Due to the proposed public benefit, there are no objections to the proposals as they are not considered to have a negative impact on the character and setting of the listed buildings or any significant impact on the building’s special interest.

To ensure that the works which are carried out are appropriate to the listed buildings and do not harm its special interest, the following matters are recommended to be secured by means of a condition to any permission: (i) internal elevations and details of works to the building to provide access from the existing first floor to the new extension; (ii) joinery details – windows and door (including internal doors and ‘blind’ window); (iii) materials; (iv) rain water goods to be cast metal and finished in black and (v) details of any new vents/flues etc connected to toilet and kitchen

facilities.

10. Conclusion

In conclusion, it is considered that the proposals will not have a negative impact on the character and setting of the listed buildings or any significant impact on the building's special interest.

RECOMMENDATION

That listed building consent is GRANTED for the following reason and subject to the conditions set out below.

The proposed works will not be detrimental to the character of the building.

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON:

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

2. Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works:

- (a) Internal elevations and details of works to the building to provide access from the existing first floor to the new extension;
- (b) Details and samples of the clay tiles and render (including a sample render panel to be constructed on site) to be used on the extension;
- (c) Full joinery details for all windows and doors (including internal doors). Elevations shall be at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2;
- (d) Details of the recessed 'blind' window; and
- (e) Details of all new vents and flues connected to the kitchen and toilet facilities.

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

REASON:

To secure harmonious architectural treatment and to safeguard the character and appearance of this building of special architectural and historic interest.

3. The rainwater goods to be installed on the extension hereby granted consent shall be constructed of cast metal and painted black.

REASON:

To safeguard the character and appearance of this building of special architectural and historic interest.

4. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

20 -12 Sheet 1 Revision B, Date Received: 1st August 2012;

20 -12 Sheet 2 Revision B, Date Received: 1st August 2012;

20 -12 Sheet 3 Revision C, Date Received: 1st August 2012;
20 -12 Sheet 4 Revision B, Date Received: 1st August 2012;
20 -12 Sheet 5 Revision D and accompanying email from the applicant, Date Received:
25th September 2012;
20 -12 Sheet 6 Revision B, Date Received: 1st August 2012.

Appendices: None

**Background Documents Used in the
Preparation of this Report:** None