

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	12 July 2017
Application Number	17/03123/FUL
Site Address	No.s 8-10 Main Street Brokenborough SN16 0HZ
Proposal	Demolition of existing properties and erection of residential property
Applicant	Mr & Mrs Griffin
Town/Parish Council	Brokenborough
Electoral Division	Sherston– Cllr John Thomson
Grid Ref	391790 189196
Type of application	Full Planning
Case Officer	Richard Sewell

Reason for the application being considered by Committee

Application called in by Councillor John Thomson for the due consideration of the proposed dwelling regarding the design, scale, siting, materials and overall appearance of the development.

1. Purpose of Report

To consider the above application and to recommend APPROVAL

2. Report Summary

The main issues in the consideration of this application are as follows:

- The design, scale, siting, mass and materials of the proposed dwelling
- The impact on the AONB
- Impact on the residential amenity

Brokenborough Parish Council OBJECTS to the proposed the application 3 objections and 4 representations of support from members of the public were received.

3. Site Description

The site is located in the hamlet of Brokenborough near Malmesbury. Brokenborough is a small settlement in the Malmesbury Community area but outside of any defined settlement boundary. The hamlet consists of a public house and a variety of dwellings located within sizeable plots which predominantly face Main Street. The proposal site is approximately 0.11 hectares and is roughly rectangular in shape extending away from the highway to the south

west. The plot is located in a locally important archaeological site and also within an Area of Outstanding Natural Beauty. However the hamlet is not a designated Conservation Area and the proposal site is not adjacent to, or within, the setting of any listed buildings.

The application site is found within the established residential frontage along Main Street, where the majority of the existing surrounding dwellings are typically detached and consist of medium to large properties within substantial plots. The majority of the dwellings in the village have a traditional feel and are detached and built with natural stone walls and stone tile/reconstructed stone tile/clay tile roofs.

The site is currently occupied by a terrace of 3 No. two-and-a-half storey cottages which have been unoccupied for some time and although being in a fair external condition, are all in need of a complete internal refurbishment as there are no bathrooms within the dwellings. Additional outbuildings are found to the rear of the properties which will be demolished as part of this development.

The existing dwellings are situated across the front of a deep narrow plot and are not provided with any on-site parking or turning facilities. They are in front of the existing building line. The site is found within an established residential frontage with detached, more modern looking dwellings being on either side.

4. Planning History

14/10501/FUL- Erection of two replacement dwellings PERMITTED

16/02470/FUL- Proposed detached dwelling following demolition of existing dwellings & outbuildings (resubmission of 14/10501/FUL) PERMITTED

5. The Proposal

Demolition of existing properties and erection of new detached dwelling with single garage and garden studio.

The proposed 5 bedroom dwelling will be two storeys in height as per the previously approved scheme. However the built form varies considerably from that previously approved. Proposed plans demonstrate an asymmetrical roof structure over a broadly rectangular building with distinctly modern elevations. The palette of materials for the external elevations will feature a mixture of natural Cotswold stone, timber cladding and recon stone roof tiles. The floor plan is irregular to take advantage of the plot at ground floor and the front and rear elevations incorporate large sections of composite glazing. A detached studio is shown in the garden in addition to a single detached garage to the front.

6. Planning Policy

National Planning Policy Framework 2012 (NPPF)

Paragraph 7, 14 and 17

Section 6 - Delivering a wide choice of high quality homes paragraph 50

Section 7 - Requiring Good Design

Wiltshire Core Strategy (WCS) (Adopted January 2015)

CP57 - Ensuring High Quality Design and Place Shaping

North Wiltshire Local Plan 2011

Saved Policy H4 – Residential development in the countryside

Malmesbury Neighbourhood Plan 2015
Volume II Design Guide- 8.1 Design Quality

7. Summary of consultation responses

Brokenborough Town Council – The Parish have strong reservations on the modern look of the property, which is distinctly different in style from all other houses along Main Street. Although faced with stone, the overall shape, window styles, lack of visible roof and addition of timber facing all combine to create a development that will not be in keeping with the prevailing character of the settlement

Highways- NO OBJECTION. The proposal provides adequate access to the highway and appropriate parking and turning.

Ecology- NO OBJECTION. Development to be carried out in accordance with Bat Survey and Method Statement

Drainage- NO OBJECTION. Conditions relating to surface and foul water drainage required as with previous permission on site but principle is acceptable subject to details

Arboriculturist – NO OBJECTION. Development to be carried out in accordance with Arboricultural Method Statement and Tree Protection Plan.

Public Protection- NO OBJECTION.

Archaeology- NO OBJECTION. No conditions advised

8. Publicity

Local Residents- 7 neighbour representation letters received, 4 in support of the proposal and 3 against. All comments predominantly concern the design of the dwelling with those against feeling that the modern design does not respect the general character of the area. Those in support feel it will be an improvement to the existing dilapidated cottages and the C21 design will make a positive contribution to the settlement.

9. Planning Considerations

Policy and principle of development

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Saved Policy H4 of the North Wiltshire Local Plan permits replacement dwellings in the countryside providing the following criteria is met;

- a. The residential use has not been abandoned; and
- b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and
- c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.

The existing cottages, although structurally sound, are all vacant but the residential use has not been abandoned. In their current state the dwellings are not desirable as they need complete refurbishment. The existing dwellings are not modern and the layout being two-and-a-half storey in height and only one room in width with no bathroom are not reasonably capable of being modernised and they do not provide on-site parking or turning facilities. Two previous consents granted at the site for demolishing the existing properties and erecting substantial family sized homes are a material planning consideration of significant weight in these respects.

Policy H4 requires that any replacement dwelling be built of a similar size and scale to the existing dwelling within the same curtilage. The proposed dwelling has a floor area of approximately 161 square meters and would measure approximately 7.4m to the ridge. The existing properties have a combined floor area of 192 square metres and would measure 7.4m to the ridge. Overall it is considered that the proposed dwelling is of a similar size and scale to the existing dwellings and within the same curtilage.

It is not considered that the character and appearance of the existing properties is so unsightly and out of character with the locality as to require replacement.

On the basis of that which is set out above, the principle of the proposal is considered acceptable given the compliance with Policy H4 of the North Wiltshire Local Plan. The principle of erecting a single family sized dwelling on the plot has already been established and considered acceptable as evidenced by the previous permissions on the site.

Design, scale and materials of proposed dwelling

Core Policy 57 of the WCS sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal. The Malmesbury Neighbourhood Plan Design Guide states that that building style must be appropriate to context and also seeks to ensure that proposed development complements and enhances the character, form and qualities of the area.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

It is acknowledged that the design of the proposed dwelling is a departure from the more traditional character and house type of the other dwellings in the settlement. However, the site is not within a Conservation Area and the overall scale, bulk, mass and building line of the proposed development are in keeping with the built form and linear pattern of development within the locality meaning the property will not appear unduly incongruous or dominant within the street scene or when seen in context with the adjacent dwellings.

Materials for the external elevations will be of a high quality and are in keeping with the rural character of the area and those used within the wider settlement, therefore being considered to draw on local context and distinctiveness. The dwelling will sit comfortably in the plot so as to avoid any over development of the site. External fenestration will be substantial in scale but is evenly distributed across the front of the building so as not to result in an unbalanced street facing elevation

Taking all of these factors into consideration, whilst the overall contemporary design of the dwelling is a departure from the existing visual appearance and house type of other properties in the locality, the proposed is not considered to result in any significantly adverse impact on the visual amenity, character and appearance of the street scene and wider settlement such that consent ought to be refused.

Impact on AONB

Core Policy 51 states that development should protect, conserve and when possible enhance landscape character and any negative impacts must be mitigated against through sensitive design and landscape measures. The special qualities of AONBs will be afforded great weight in conserving and enhancing landscapes and scenic beauty.

The proposed dwelling is of a compact built form, is constructed from a neutral range of high quality materials and is of a similar scale and height to the existing and neighbouring dwellings. These factors will help assimilate the building into its setting so as not to appear visually dominant or prominent when viewed from the surrounding countryside. The siting of the proposed within the linear pattern of development fronting the highway respects the existing built form of the village meaning the proposal site will be seen in the context of the other residential development in the locality so as not to intrude into the openness of the surrounding countryside.

Therefore, by way if its scale, siting and materials and replacement of existing structures the proposed dwelling is not considered to appear unduly incongruous within the AONB or wider landscape setting and will be seen in the context of the existing built form of the settlement when viewed from the surrounding countryside. As such it is not considered that significant harm to the Cotswolds AONB will result from the development such that there is conflict with the development plan and national guidance.

Residential amenity

The proposed dwelling will be set broadly in line with the adjacent properties and positioned approximately 8m away from the side elevation of the dwelling to the south west and 10m from the dwelling to the northwest. These distances and orientation of the site, together with the low height and compact bulk of the proposed building, will avoid any significant over bearing impact or loss of sunlight to these neighbouring properties. First floor side windows as proposed will serve an en-suite and bathroom and are shown to be obscure glazed. There will no additional loss of privacy or overlooking in comparison to the existing row of cottages which also feature first floor windows on the rear elevations looking west over the adjoining garden areas. The proposal is therefore considered to not have an additional or significantly adverse impact on the residential amenities of the area.

10. Conclusion

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

By way if its design, scale, siting and materials, the proposed dwelling is considered not to result in any undue level of harm to the character, appearance, and visual amenity of the settlement. The proposal will not appear visually prominent or incongruous within the landscape setting and so is not considered to be detrimental to the special quality of the AONB or openness of the surrounding countryside. The proposed dwelling does not result in any significant adverse impact on the current level of residential amenity awarded to the neighbouring properties. Previous consents on the site for demolishing the existing properties and erecting substantial family sized homes are a material planning consideration

that has been weighed in the balance in reaching this decision to recommend the proposal is approved

11. Recommendation

Planning Permission is APPROVED

Conditions:

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: **TBC**

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

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

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

4 All development shall be carried out in accordance with the mitigation measures proposed in the submitted Bat Survey and Method Statement (dated 27th March 2017) or any subsequent licenced method statement. The bat roost compensation shall be retained as set out in Section 5 of the Bat Survey and Method Statement unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

6 The garden studio hereby permitted as part of the proposal shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as (new property).

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

7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

8 No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

9 The development hereby permitted shall not be occupied until the required sewage disposal and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority and completed in accordance with the submitted and approved details.

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

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

o means of enclosure;

o all hard and soft surfacing materials;

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11The development shall be carried out as specified in the approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared by Greenman Environmental Management Ltd dated March 2017 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

INFORMATIVES:

WP6 ALTERATIONS TO APPROVED PLANS

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

WP13 PUBLIC SEWERS

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

WP18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT

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

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

WP31 MATERIAL SAMPLES

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