

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

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

1. Purpose of Report

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

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

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

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

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

3 letters of support have been received.

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

2. Main Issues

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

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

3. Site Description

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Relevant Planning History

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

5. Proposal

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

Main building (Units 1-7)

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

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

Conversion of Outbuilding (Unit 8)

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

New dwelling (Unit 9)

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

Associated works

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

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

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

6. Consultations

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

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

Malmesbury Town Council – raise no objections

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

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

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

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

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

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

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

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

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

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

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

County Archaeologist – no objections.

Education Officer – contributions required.

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

Wessex Water – no objections subject to conditions/informative.

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

Highways Agency – no objection.

7. Publicity

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

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

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

3 letters of support have been received.

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

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

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

8. Planning Considerations

Principle of development

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

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

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

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

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

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

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

Impact on the fabric of the Listed Building

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact on highways

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

Impact on ecology

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

Impact on drainage

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

Other considerations

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

Education contribution is £42,983

Public Open Space £19,800

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

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

Conclusions

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

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

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

9. Recommendation

Planning Permission be REFUSED for the following reasons:

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

Listed Building Consent be REFUSED for the following reason:

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

